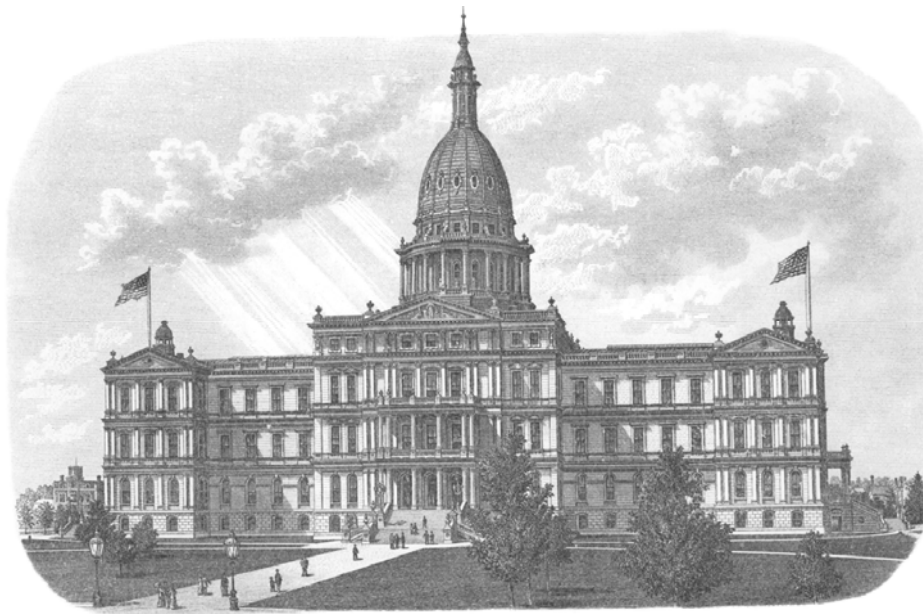


Michigan Register

Issue No. 18 – 2013 (Published October 15, 2013)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published October 15, 2013, contains
documents filed from September 15, 2013 to October 1, 2013)

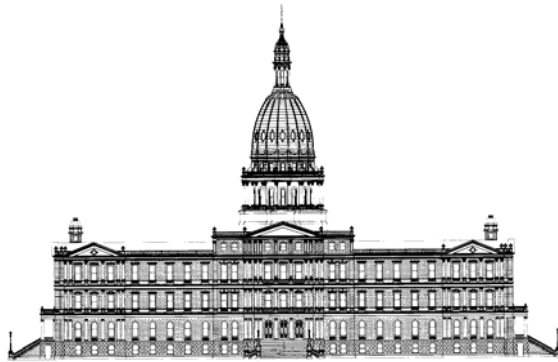
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Office of Regulatory Reinvention

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Steve Arwood, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
- (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
- (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
- (d) Proposed administrative rules.
- (e) Notices of public hearings on proposed administrative rules.
- (f) Administrative rules filed with the secretary of state.
- (g) Emergency rules filed with the secretary of state.
- (h) Notice of proposed and adopted agency guidelines.
- (i) Other official information considered necessary or appropriate by the office of regulatory reform.
- (j) Attorney general opinions.
- (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.

(2) The office of regulatory reform shall publish a cumulative index for the Michigan register.

(3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.

(4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.

(5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director
Office of Regulatory Reinvention

2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
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3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
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23	December 15, 2013	January 1, 2014
24	January 1, 2014	January 15, 2014

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FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF ENVIRONMENTAL QUALITY

OFFICE OF ENVIRONMENTAL ASSISTANCE

SMALL BUSINESS POLLUTION PREVENTION ASSISTANCE LOAN FUND

Filed with the Secretary of State on September 19, 2013

These rules take effect immediately after filing with the Secretary of State.

(By authority conferred on the director of the department of environmental quality by section 14514 of 1994 PA 451, MCL 324.14514, Executive Reorganization Order No. 1995-16, MCL 324.99903, Executive Reorganization Order No. 2009-31, MCL 324.99919, and Executive Reorganization Order No. 2011-1, MCL 324.99921.)

R 324.14501, R 324.14503, R 324.14504, R 324.14505, R 324.14506, R 324.14507, and R 324.14508 of the Michigan Administrative Code are amended as follows:

R 324.14501 Definitions.

Rule 1. As used in these rules:

- (a) "Applicant" means a business that applies for a small business pollution prevention loan.
- (b) "Department" means the department of environmental quality.
- (c) "Director" means the director of the department or his or her designated representative.
- (d) "Eligible pollution prevention project" means a pollution prevention project that meets the criteria in these rules.
- (e) "Energy usage" means the use of nonrenewable resources to support business operations, including electricity, water, and natural gas.
- (f) "Fixed asset" means a permanent asset that is not consumed or converted into cash or its equivalent during a 12-month period.
- (g) "Fund," as defined in part 145 of 1994 PA 451, MCL 324.14513 et seq., means the small business pollution prevention assistance revolving loan fund.
- (h) "Lender agreement" means a binding agreement between a lending institution and the department that sets forth the terms and conditions for a lending institution to make loans and otherwise participate in the small business pollution prevention loan program.
- (i) "Lending institution" means a bank, out-of-state bank, or national bank, foreign bank branch, association, savings bank, or credit union organized under the laws of this state, another state, the District of Columbia, the United States, or a territory or protectorate of the United States that has entered into a lender agreement with the department.
- (j) "Loan agreement" means a written contract or agreement between a lending institution and a loan recipient that describes the terms of the small business pollution prevention loan.

(k) "Loan recipient" means a small business that has been approved for and issued a small business pollution prevention loan.

(l) "RETAP audit" means a pollution prevention assessment conducted by engineers, scientists, and other qualified professionals participating in the retired engineer technical assistance program established under part 145 of 1994 PA 451, MCL 324.14501 et seq.

(m) "Small business pollution prevention loan" means a low-interest loan to a small business to finance an eligible pollution prevention project as provided for under these rules and part 145 of 1994 PA 451, MCL 324.14513 et seq.

(n) "Small business pollution prevention loan program" means the program the department administers to provide small business pollution prevention loans under these rules.

(o) "Supplemental agreement" means a binding agreement between an applicant and the department that sets forth the terms and conditions for the applicant to receive funds and otherwise participate in the small business pollution prevention loan program.

(p) Terms used in these rules have the same meaning as those defined and used in part 145 of 1994 PA 451.

R 324.14503 Applicant eligibility.

Rule 3. (1) An applicant for a small business pollution prevention loan must meet all of the following requirements:

(a) Qualify as a small business as defined in MCL 324.14501(j).

(b) Apply for a small business pollution prevention loan in coordination with a lending institution under these rules.

(c) Propose to utilize the small business pollution prevention loan to undertake an eligible pollution prevention project in Michigan.

(d) Commence the proposed pollution prevention project within 180 days of receipt of a loan.

(e) Not have received a loan as described in these rules within the prior 3-year period.

(2) To be eligible for a loan from the fund for a qualified agricultural energy production system, an applicant shall also meet requirements in MCL 324.14513(5).

R 324.14504 Eligible pollution prevention project.

Rule 4. (1) An eligible pollution prevention project shall directly result in the reduction or elimination of environmental waste generated, energy used or water, or hazards to public health associated with environmental waste at the small business and shall be 1 or more of the following:

(a) A pollution prevention recommendation made in a RETAP audit.

(b) A pollution prevention expenditure at the small business, including an expenditure for any of the following:

(i) Equipment or technology modifications.

(ii) Process or procedure modifications.

(iii) Reformulation, reclamation, or redesign of products.

(iv) Substitution of raw materials.

(v) Improvements in housekeeping, maintenance, or inventory control.

(vi) Pollution prevention training of employees.

(vii) On-site energy conservation studies or specifications.

(viii) On-site energy efficiency projects.

(ix) On-site water conservation projects.

(x) Qualified agricultural energy production systems.

(2) The following projects or expenditures are not eligible pollution prevention projects:

(a) Costs incurred before the effective date of the loan agreement.

- (b) Refinancing pre-existing obligations or debt.
- (c) Financing building or construction costs that are not integral to the project.
- (d) Financing salaries, wages, benefits, travel, or operating costs other than those listed in subrule (1)(b) of this rule of the applicant business.
- (e) Taxes, attorney fees, permits or licenses, or land acquisition.
- (f) Projects or expenditures designed to increase process output or production.

R 324.14505 Loan application process.

Rule 5. (1) A small business shall file an application for a small business pollution prevention loan on an application form provided by the department.

(2) The application shall include all of the following information:

- (a) Applicant and lending institution contact information.
- (b) A description of the pollution prevention project, which provides sufficient detail to properly evaluate the proposed project and determine whether it meets the criteria of R 324.14504.
- (c) The expected reduction in environmental waste, water, or energy used.
- (d) A project implementation schedule.
- (e) The small business pollution prevention loan amount.
- (f) Certification that all necessary construction permits and operating licenses have been obtained, or will be obtained, under applicable laws and regulations.

(3) The lending institution or applicant shall submit the completed loan application and supporting documentation to the department for approval. At a minimum, supporting documentation shall include all of the following:

- (a) Written cost estimate(s) for all project costs.
- (b) A loan commitment letter from the lending institution including the following information:
 - (i) A commitment to participate in the small business pollution prevention loan program with the department.
 - (ii) The lending institution's federal tax identification number.
 - (iii) The conclusion that the loan recipient can service the debt of the full loan amount requested.
 - (iv) A description of the loan term, interest rate on the lending institution loan portion, and the collateral to be taken as security for the loan.

(4) A lending institution shall not award a small business pollution prevention loan until it receives a notice from the department that the project described in the application is an eligible pollution prevention project.

(5) A lending institution shall execute a small business pollution prevention loan under terms in the loan agreement and the lender agreement.

(6) The applicant shall execute a small business pollution prevention loan under terms in the loan agreement and the supplemental agreement.

R 324.14506 Lending institution responsibilities.

Rule 6. (1) A lending institution shall enter into a lender agreement with the department.

(2) A lender agreement shall provide for all of the following:

(a) A lending institution may make a small business pollution prevention loan to a loan recipient with participation from the fund not to exceed the amount specified in MCL 324.14513(6).

(b) The total amount of the loan shall be shared equally by the lending institution and the fund, unless the director increases the fund's share of the loan to ensure that the fund's interest rate of return is not less than 0%.

(c) The lending institution shall notify the department of the effective interest rate being assessed to the applicant, including the interest rate assessed as part of the fund's share and the interest rate assessed as part of the lending institution's share.

(d) The effective interest rate that the loan recipient pays on the full amount of the loan under the loan agreement shall not exceed 5%.

(e) The lending institution shall provide an executed copy of the loan agreement to the department.

(f) Only appropriate and reasonable costs or fees associated with processing the loan are eligible for reimbursement as part of the loan.

(g) The lending institution will remit principal and interest payments not less frequently than on a quarterly basis to the fund until the loan is repaid in full.

(h) The lending institution will pursue the collection of all defaulted loans until brought current, collected in full, reduced to a judgment, or settled with the concurrence of the department.

(i) The lending institution will consider loan recipients who fail to complete the project to be in default of the loan. This provision shall be included in all loan agreements.

R 324.14507 Small business loan recipient responsibilities.

Rule 7. (1) In addition to any financial provisions required by the lending institution, within 90 days of the project eligibility determination, the small business loan recipient shall enter into a supplemental agreement with the department.

(2) A supplemental agreement shall provide for all of the following:

(a) Initiate work on the pollution prevention project within 180 days of signing the loan documents or supplemental agreement.

(b) Secure qualified personnel or contractors, or both, to complete the pollution prevention activities specified in the loan application.

(c) Notify the department in writing within 30 days of project completion.

(d) Within 90 days of project completion, submit to the department a final report upon project completion describing the pollution prevention benefits attained, including a demonstration of the expected reduction in environmental waste, water, or energy usage.

(e) Obtain written department approval of any amendments to the proposed project, before making the change.

(f) Maintain project records and documentation under generally accepted accounting principles and practices for a minimum of 3 years after the project is completed.

(g) Maintain all of the following documentation at the loan recipient's business:

(i) Copies of invoices and evidence of payment of invoiced expenditures.

(ii) Information pertinent to the project implementation as agreed to in the loan application.

(iii) Evidence that the project was implemented in compliance with applicable rules and regulations.

(h) Upon completion, operate the project for pollution prevention purposes and in accordance with applicable environmental laws and regulations.

(3) Upon reasonable notice, the department or its duly authorized representatives shall have access to examine the pollution prevention project and the records or documents maintained by the small business under these rules.

R 324.14508 Project review; approval process; other actions.

Rule 8. (1) The department shall process loan applications on an as-received basis.

(2) The department shall determine whether the application and supporting documentation meet the requirements of these rules within 30 days of receipt of a complete application.

(3) The department shall notify the lending institution and the applicant, in writing, within 14 days of making its determination.

(4) A loan recipient shall not proceed with the pollution prevention project until the recipient is notified in writing by the lending institution to proceed.

(5) The department's determination of project eligibility is valid for 90 days from the date of notification.

(6) The lending institution or the loan recipient shall promptly notify the department, in writing, of any substantive change to an eligible pollution prevention project before expenditure or encumbrance of any loan funds.

(7) The department will remit payment for its share of the loan from the fund to the lending institution within 30 days from the date of receipt of the executed loan agreement.

(8) In the case of an ineligibility determination, the department shall provide the applicant with written notice of the reason for the determination. There is no formal appeal of the department's loan decision.

(9) Subject to the provisions of R 324.14503(1)(e), a small business can reapply for a loan at any time.

(10) If the department or the lending institution determines that a loan recipient has defaulted on any agreements signed or obligations pursuant to this part, in addition to the actions specified in the lender and supplemental agreements, the department may take any legal actions available to remedy the default.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

FISHERIES DIVISION

NATURAL RIVER ZONING

Filed with the Secretary of State on September 19, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of natural resources by section 30512 of Part 305 of 1994 PA 451, MCL 324.30512, and Executive Orders 1991-22, 2009-45, and 2011-1, MCL 299.13, 281.99919, and 281.99921)

R 281.51, R 281.53, R 281.54, R 281.55, R 281.56, R 281.57, R 281.58, R 281.59, R 281.60, R 281.61, R 281.101, R 281.110, R 281.111, R 281.131, R 281.140, R 281.141, R 281.151, R 281.160, R 281.161, R 281.171, R 281.180, R 281.181, R 281.201, R2981.210, R 281.211, R 281.221, of the Michigan Administrative Code are amended; R 281.62, R 281.63, R 281.64, R 281.65, R 281.66, R 281.70, R 281.71, R 281.80, R 281.81, R 281.90, R 281.91, R 281.100, R 281.110, R 281.120, R 281.121, R 281.130, R 281.150, R 281.170, R 281.190, R 281.191, R 281.200, R 281.220, of the Michigan Administrative Code are added; and R 281.52, R 281.102, R 281.103, R 281.104, R 281.105, R 281.106, R 281.107, R 281.108, R 281.109, R 281.112, R281.113, R 281.114, R 281.132, R 281.133, R 281.134, R 281.135, R 281.136, R 281.137, R 281.138, R 281.139, R 281.142, R 281.143, R 281.144, R 281.145, R 281.152, R 281.153, R 281.154, R 281.155, R 281.156, R 281.157, R 281.158, R 281.159, R 281.162, R 281.163, R 281.164, R 281.172, R 281.173, R 281.174, R 281.175, R 281.176, R 281.177, R 281.178, R 281.179, R 281.182, R 281.183, R 281.184, R 281.202, R 281.203, R 281.204, R 281.205, R 281.206, R 281.207, R 281.208, R 281.209, R 281.212, R 281.213, R 281.214, R 281.222, R 281.223, R 281.224, R 281.225, R 281.226, R 281.227, R 281.228, R 281.229, R 281.230, R 281.231, R 281.232, R 281.233, R 281.234, R 281.251, R 281.252, R 281.253, R 281.254, R 281.255, R 281.256, R 281.257, R 281.258, R 281.259, R 281.260, R 281.261, R 281.262, R 281.263, R 281.264, R 281.271, R 281.272, R 281.273, R 281.274, R 281.275, R 281.276, R 281.277, R 281.278, R 281.279, R 281.280, R 281.281, R 281.282, R 281.283, R 281.284, R 281.321, R 281.322, R 281.323, R 281.324, R 281.325, R 281.326, R 281.327, R 281.328, R 281.329, R 281.330, R 281.331, R 281.332, R 281.333, R 281.334, R 281.341, R 281.342, R 281.343, R 281.344, R 281.345, R 281.346, R 281.347, R 281.348, R 281.349, R 281.350, R 281.351, R 281.352, R 281.353, R 281.354, R 281.355, R 281.361, R 281.362, R 281.363, R 281.364, R 281.365, R 281.366, R 281.367, R 281.368, R 281.369, R 281.370, R 281.371, R 281.372, R 281.373, R 281.374, R 281.375, R 281.381, R 281.382, R 281.383, R 281.384, R 281.385, R 281.386, R 281.387, R 281.388, R 281.389, R 281.390, R 281.391, R 281.392, R 281.393, R 281.394, and R 281.395 of the Michigan Administrative Code are rescinded.

R 281.51 Definitions.

Rule 1. (1) As used in these rules:

(a) "Applicant" means a person who requests on a form provided by the department and via proper procedures, a zoning permit for a principal use, special use, or variance.

(b) "Appurtenance" means a structure or accessory building incidental to a principal or exempt use including all of the following:

(i) Detached garage.

(ii) Residential storage shed.

(iii) Barn and other agricultural storage and livestock structure.

(iv) Pump house.

(v) Private access roads and driveway.

(vi) Electrical service line.

(c) "Bankfull" means the width of the stream that corresponds to the depth where water fills a main channel to the point of overflowing.

(d) "Bed and breakfast" means a single-family dwelling providing not more than 3 bedrooms for rent and breakfast served to transient overnight guests only and is the owner's primary residence and is occupied by the owner at the time of rental.

(e) "Bluff" means a bank that rises at a slope of 33 degrees or greater from within 10 feet of the river's edge. The crest of the bluff is the first riverward facing area (approximately parallel to the river) that breaks to a slope of less than 18 degrees for a distance away from the river of at least 25 feet.

(f) "Bridge" means any structure of any span length designed to provide a pedestrian, vehicle, livestock, or any other stream crossing, including but not limited to, a culvert, open bottom arch, and clear-span or multi-span structure.

(g) "Building inspector" means the agency or individual who is appointed by the appropriate governmental subdivision to issue a building permit and to administer the state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(h) "Campground" means a parcel or tract of land in which sites are offered for the use of the public or a member of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 5 or more recreational units; "campground" does not include a seasonal mobile home park licensed under the mobile home commission act, 1987 PA 96, MCL 125.2301 to 125.2349.

(i) "Certificate of zoning compliance" means a certificate issued by the zoning administrator upon determination that the construction and use of land and any structure, as authorized by a zoning permit, including the approved site plan, is in compliance with the approved zoning permit and site plan.

(j) "Cutting edge of the river" means the outside bend of a river or stream channel where the water velocity is such that it may cause soil or streambank erosion.

(k) "Designated natural river" means a river designated by the director under the authority of part 305, natural rivers, 1994 PA 451, MCL 324.30501 to 324.30515.

(l) "Dock" means a seasonal or permanent platform located at the water's edge or extending into the river channel, intended for securing and facilitating access to watercraft or to facilitate access to deeper water for swimming, fishing, or other water-oriented recreational activity and does not include a wall, railing, a storage locker, an attached bench, or any similar structure attached thereto.

(m) "Effective date of these rules" means the zoning rule promulgation date for each designated natural river as follows:

(i) Jordan river – September 25, 1974.

(ii) Betsie river – June 11, 1977.

(iii) White river - May 5, 1979.

(iv) Huron river – June 2, 1980.

(v) Rogue river – June 2, 1980.

- (vi) Boardman river – June 2, 1980.
- (vii) Pere Marquette river – July 15, 1981.
- (viii) Rifle river – April 24, 1984.
- (ix) Flat river – June 21, 1984.
- (x) Pigeon river – February 13, 1985.
- (xi) Au Sable river – August 15, 1990.
- (xii) Pine river – December 27, 2004.
- (xiii) Upper Manistee river – December 27, 2004.
- (xiv) Two Hearted river – effective date of these rules.
- (xv) Lower Kalamazoo river - effective date of these rules.
- (xvi) Fox river - effective date of these rules.
- (n) "Filtered view" means the maintenance or establishment of woody vegetation of sufficient density to screen development from the river. The vegetation need not be so dense as to completely block the river view.
- (o) "Floodplain" means an identified or documented area of land adjoining a river or stream that will be inundated by a 100-year flood, as defined in part 13, floodplains and floodways, MCL 324.1301 to 324.1311.
- (p) "Front" means that segment of a lot or parcel closest to or abutting the designated natural river.
- (q) "Ground floor area" means the area of the ground covered by a dwelling measured on the outside of a building, including a covered porch and attached garage, but not including a deck or patio.
- (r) "Home-based occupation" means a business activity that is secondary to the use as a residence of a single-family dwelling and may be conducted on or off the premises of a single-family dwelling by the resident of that single-family dwelling, and may include storage of vehicles and equipment.
- (s) "Impervious surface" means a surface, including a paved and unpaved driveway, deck, rooftop, road, patio, swimming pool, or parking lot, that does not allow stormwater to infiltrate the ground.
- (t) "Lot" means a continuous area, parcel, or acreage of land that can be described for purposes of transfer, sale, lease, rental, or other conveyance.
- (u) "Lot area" means the area inside the lot lines.
- (v) "Lot of record" means a lot that exists in a subdivision plat as shown by records of the county register of deeds existing before the effective date of these rules or a lot or parcel described by metes and bounds and recorded by the county register of deeds before the effective date of these rules.
- (w) "Lot, vacant" means a lot that does not contain a single-family dwelling.
- (x) "Natural river district" means a natural river area designated by the director.
- (y) "Ordinary high-water mark" means the line between the upland and bottomland which persists through successive changes in water level and below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.
- (z) "Reforestation" means renewal of vegetative cover by seeding, planting, or transplanting.
- (aa) "Setback" means the horizontal distance as specified in these rules between any portion of a structure and the ordinary high-water mark or crest of a bluff, measured at the structure's closest point to the ordinary high-water mark or crest of a bluff.
- (bb) "Short-term rental facility" means a single-family dwelling with not more than 3 bedrooms offered as a residential rental facility for a rental period of less than 30 days.
- (cc) "Single-family dwelling" means a structure designed to be used exclusively for residential purpose, including long-term residential rental purpose, and contains kitchen and bathroom facilities.
- (dd) "Structure" means anything constructed, erected, or moved to or from any lot and located above, on, or below the ground, including a building, mobile home, road, boardwalk, sign, billboard, satellite dish greater than 32 inches in diameter, any communication structure, or a fence. An enclosed, self-

contained camping unit is not considered a structure if on site fewer than 30 days per calendar year and if located landward of the natural vegetation strip, or if the structure is located on a campsite within a campground licensed under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211, if both the individual campsite and the campground were established before the effective date of these rules.

(ee) "Tent camping" means camping within a natural river district on private land with a tent, tarp, or other lightweight structure that is temporary and incurs no land disturbance or clearing of vegetation.

(ff) "Wetland" means land characterized by the presence of hydric soils or water at a frequency and duration sufficient to support wetland vegetation or aquatic life as defined in the wetlands protection act, part 303, 1994 PA 451, MCL 324.30301 to 324.30329.

(gg) "Zoning administrator" means the administrator of these zoning rules as delegated by the director.

(hh) "Zoning permit" means written permission granted by the zoning administrator.

(ii) "Zoning review board" means a group of not more than 7 members appointed by the department to implement these rules.

(2) Terms not defined in these rules shall have the meanings customarily assigned to them.

R 281.52 Purpose; intent; scope.

Rule 2. (1) It is the purpose of these rules to do the following:

(a) To promote the public health, safety, and general welfare, to prevent economic and ecological damages due to misuse, unwise development patterns, overcrowding, and overuse within the natural river district, and to preserve the values of the natural river district for the benefit of present and future generations.

(b) To protect, preserve, and enhance the natural river district values for the free flowing conditions, water conservation, fish, aquatic, and wildlife resources, ecological, water quality, floodplain, scenic and aesthetic qualities, boating, historical, and recreational values and uses of a designated natural river district and adjoining land.

(c) To provide for residential and other permitted development that will complement the natural characteristics of the natural river system.

(d) To achieve the goals and objectives of the department's natural river plan.

(2) It is the intent of these rules to define terms used and to regulate and restrict lot coverage and use, population distribution and density, and the size and location of all structures by the delineation of permitted uses and development standards to promote the purposes identified in these rules. It is further intended to provide for administration and enforcement of these rules and remedy for a violation of these rules.

(3) It is not the purpose of these rules to revoke, annul, cancel, or in any way impair or interfere with existing provisions of law, ordinance, rule, regulation, or private restrictions placed upon property by covenant or deed. If a provision of law is less restrictive than the provisions of natural rivers, part 305, 1994 PA 451, MCL 324.30501 to 324.30515 and these rules, the provisions of natural rivers, 1994 PA 451, MCL 324.30501 to 324.30515, and these rules shall apply.

R 281.53 Exempt use.

Rule 3. (1) Land uses exempt from a zoning permit in a designated natural river district include the following:

(a) Private, non-commercial recreation which does not involve a structure, equipment, or other device, and includes camping, boating, fishing, hunting, and other similar activities.

(b) Reforestation and any other accepted forest management practice that does not involve a structure and is landward of the natural vegetation strip.

(c) Agricultural activities, including general and specialized farming such as a Christmas tree farm, provided that any new activity occur landward of the natural vegetation strip and provided such use does

not contribute to stream degradation. Construction of a residential and farm-related structure and appurtenance is classified as a principal use and is subject to zoning permit requirements. Any new aquaculture facility or concentrated animal feeding operation, and expansion of any existing aquaculture facility or concentrated animal feeding operation, is not permitted within the natural river district without a land use variance as described in R 281.60. Resumption of a prior agricultural use previously located within the natural vegetation strip and discontinued, for example, rotation of crop fields, may resume if 1 of the following criteria is met:

- (i) The cessation of use was within 10 years of resumption of use.
- (ii) The cessation of use was due to implementation of a management plan written before the effective date of these rules.
- (iii) The cessation of use was the result of a written agreement with a governmental agency or agencies entered into before the effective date of these rules.
- (iv) The cessation of use was the result of a written agreement with a governmental agency or agencies entered into after the effective date of these rules or ordinances implementing this plan, where the term of cessation of use specified in the agreement is for 10 years or less.
- (v) The cessation of use was required or imposed by a governmental agency or agencies.
- (d) Cutting of low growing vegetation and placement of wood chips on uplands in the natural vegetation strip to create a single footpath of not more than 4 feet in width leading to a single point on the river's edge. A boardwalk or other artificial walkway is not exempt and requires a zoning permit as specified in R 281.57.
- (e) A sign for identification, direction, resource information, exclusion of trespassers, regulation of use and those related to permitted uses, subject to the following provisions:
 - (i) A sign for the sale of a product or service is prohibited, unless related to a permitted use, located on the site of the permitted use, not located in the natural vegetation strip, and not visible from the river.
 - (ii) An illuminated sign is prohibited.
 - (iii) "No trespassing" sign shall be not larger than 1 square foot in area and shall be spaced at least 100 feet apart. Other signs may be not larger than 2 square feet in area, except 1 real estate sign may be not larger than 4 square feet in area if located outside the natural vegetation strip.
- (f) Routine maintenance and repair of a legal use or structure within the existing foundation and structure, subject to R 281.57.
- (g) A satellite dish not more than 32 inches in diameter and located landward of the natural vegetation strip or attached to an existing single-family dwelling, short-term rental facility, or appurtenance.
- (h) Removal of any dead, diseased, or unsafe tree, noxious plant or shrub, within the natural vegetation strip.

R 281.54 Principal use; application procedure.

Rule 4. (1) An application for a principal use shall be submitted and processed pursuant to all the following:

(a) An application for a principal use shall be completed by the applicant on a form provided by the department and submitted to the zoning administrator. A completed application shall contain all of the following:

- (i) A completed application form signed by the applicant or the applicant's representative.
 - (ii) A site plan that meets the requirements of R 281.56.
 - (iii) Evidence of ownership or a legal interest in the property affected by the application for a principal use, or authorization from the property owner to apply for a principal use.
- (b) Within 21 days of receipt of an application for a principal use, the zoning administrator shall notify the applicant of the need for additional information, if applicable.

(c) Within 30 days of receipt of a completed zoning permit application, the zoning administrator shall determine if a permit shall be issued. Approved zoning permits shall be forwarded to the applicant with an approved site plan by the zoning administrator. If the zoning administrator determines a zoning permit shall not be issued, the reason shall be provided to the applicant in writing.

(d) Before commencing construction of a principal use, an applicant shall display the approved zoning permit and site plan in a location easily visible from the nearest street or roadway until the authorized project is completed.

(e) A zoning permit is valid for 2 years and is not transferable. All structures shall be completed within 2 years from the date of issuance of the zoning permit.

R 281.55 Special use; application procedure.

Rule 5. (1) A special use includes the following:

(a) A campground, with associated noncommercial structures, impervious pads, and utility hookups, with all of the following provisions:

(i) Campground shall be constructed and maintained in accordance with all applicable state and local regulations.

(ii) A commercial structure associated with the campground is prohibited in the natural river district.

(iii) A structure shall be at least 200 feet from the high-water mark.

(iv) Not more than 4 campsites per acre.

(v) A 100-foot wide natural vegetation strip along the river shall be maintained.

(vi) A campsite that accommodates a wheeled motorized vehicle shall be at least 200 feet from the high-water mark.

(vii) A walk-in campsite shall be landward of the 100-foot natural vegetation strip.

(viii) A dock may be constructed at the rate of 1 dock not larger than 48 square feet for each 200 feet of river frontage, accessed by a single footpath not more than 4 feet wide.

(ix) Wheeled motorized vehicle access to the river is prohibited.

(x) Launch or retrieval of commercial watercraft at any campground by other than a registered camper is prohibited.

(b) A permanent vehicle bridge on a tributary, subject to R 281.58.

(2) An applicant shall submit an application for a special use permit on a form provided by the department and submit it to the zoning administrator. A completed application shall contain all of the following information and attachments:

(a) A completed application signed by the applicant or the applicant's representative.

(b) A site plan that meets the requirements of R 281.56.

(c) Evidence of ownership or a legal interest in the property that is affected by the application for a special use or authorization from the property owner to apply for a special use permit.

(d) A list of all property owners and their mailing addresses whose property is located within 300 feet of applicant's property being considered for a special use.

(3) The application, together with required attachments, shall be submitted not less than 30 days before the meeting of the zoning review board at which the application is to be considered.

(4) The zoning review board shall conduct at least 1 public hearing and shall require all of the following notifications of the hearing to be made not less than 10 days before consideration of the special use application:

(a) Notice of public hearing shall be published in a newspaper that circulates in the township in which the proposal is located.

(b) Notice of public hearing shall be sent by first-class mail or personal delivery to owners of property for which approval is being considered and to all persons whose property is located within 300 feet of applicant's property.

- (c) Notice of public hearing shall also be sent to all of the following:
 - (i) Local tax assessing official or officials.
 - (ii) Township and county clerks.
 - (iii) Local building inspector or inspectors.
 - (iv) State, district, or county health department, if applicable.
- (5) The zoning review board shall require that an application for a special use comply with all of the following:
 - (a) The purposes specified in R 281.52 are accomplished.
 - (b) A compelling reason exists to locate the proposed use within the district boundaries if contiguous property under the same ownership is available outside the district.
 - (c) The proposed use, in combination with any other existing use, will not be a detriment to the public health, safety, and welfare.
 - (6) The zoning review board may impose conditions deemed necessary to accomplish the general and specific standards applicable to the proposed use.
 - (7) The concurring vote of a majority of the eligible voting members of the zoning review board shall be required to approve a special use.
 - (8) A special use permit granted by the zoning review board shall be valid for 2 years from date of approval. If construction has not, in the opinion of the zoning review board and department, commenced and proceeded meaningfully at the end of the 2-year period, the zoning administrator shall notify the applicant, in writing, of the expiration of the special use permit.
 - (9) If the zoning review board and the department determine that the applicant has failed to comply with any of the requirements of these rules or the approved special use permit, the department may revoke the special use permit in accordance with the administrative procedures act, 1969 PA 306, MCL 24.201 to 24.328 .
 - (10) An application for a special use permit denied by the zoning review board shall not be submitted for reconsideration unless, in the opinion of the zoning administrator, the application is significantly different in scope from the previously denied application or new and significant facts and conditions exist which might result in approval upon resubmission.
 - (11) Concurrent with issuance of a special use permit, an applicant shall receive a copy of the approved site plan, with conditions, if any.
 - (12) Before commencing construction of a special use, an applicant shall display the permit in a location easily visible from the nearest street or roadway until the purpose for which the permit was issued is completed.

R 281.56 Zoning permit; site plan; certificate of zoning compliance.

Rule 6. (1) A building or other structure shall not be erected, moved, added to, or structurally altered, and a land use shall not be commenced, without a zoning permit issued by the zoning administrator. A permit shall not be required for an exempt structure, use, or activity as specified in R 281.53.

(2) An application for a zoning permit shall include a site plan for the entire area proposed for development. The zoning administrator, in the case of a principal use or minor variance application, or the zoning review board, in the case of a special use or variance application, may require adjustments in the site plan as a condition for approval to ensure that the proposed development meets all standards contained in these rules. Except as otherwise waived by the zoning administrator, in the case of a principal use or minor variance application, or waived by the zoning review board, in the case of a special use or variance permit application, a site plan shall show and include all of the following, either existing or proposed:

- (a) A site plan drawn to scale, with the scale indicated.
- (b) Property dimensions, including river frontage.

- (c) Size, shape, use, and location of existing and proposed buildings or improvements, including distances to adjacent property boundaries and the river's edge.
- (d) Existing vegetation, including the location and type.
- (e) Adjacent streets and highways.
- (f) Parking areas.
- (g) Cross-section drawing showing height of buildings above water level and bluff heights.
- (h) Entrances to public streets.
- (i) Description of the building design, including proposed construction materials.
- (j) Drainage facilities.
- (k) Location and description of the method to dispose of sanitary waste.
- (l) Proposed landscaping.
- (m) Location of footpaths.
- (n) Signs proposed, including the size, location, and material.
- (o) North arrow.
- (p) Date of drawing.
- (q) Detailed site location map.
- (r) Any additional information required by the zoning administrator or zoning review board to carry out the administrator's or board's duties. Additional information may include all of the following:
 - (i) Soil types.
 - (ii) Topography.
 - (iii) Building elevations.
 - (iv) Site photographs.
 - (v) Anticipated traffic volume.
 - (vi) Traffic patterns.
- (3) A structure or lot for which a zoning permit has been issued shall not be occupied, and a use for which a zoning permit has been issued shall not commence, until the zoning administrator has issued a certificate of zoning compliance. The issuance of a certificate of zoning compliance shall not be construed as waiving any provision of these rules. A record of all certificates of zoning compliance issued shall be kept on file in the office of the zoning administrator. A certificate of zoning compliance shall not be interpreted as substitute for a certificate of occupancy required by local building code or local zoning permit.

R 281.57 Home occupation and home-based occupation; land alteration; lot; dwelling; building setback; impervious surface; drinking water supply well; height of structure; dock; river access stairway; boardwalk; natural vegetation strip; standards.

Rule 7. (1) A home occupation or home-based occupation in a designated natural river area shall conform to all of the following:

(a) The use of the dwelling unit or related structure for a home occupation or home-based occupation shall be clearly incidental and subordinate to its use as a single-family residential dwelling.

(b) Equipment or a process shall not be used in a home occupation or home-based occupation if it creates excessive noise, vibration, fumes, odors, or electrical interference that is detectable to the normal senses off the premises.

(2) Land alteration shall conform to all the following requirements:

(a) Land alteration shall not occur within the natural vegetation strip, except placement of wood chips for a foot path as provided in R 281.53, on the face or crest of a bluff, in a wetland, in a floodplain, or below the ordinary high-water mark of the river unless associated with bank stabilization or fisheries habitat improvement activities.

(b) Draining a wetland is prohibited.

(c) A pond may be constructed if the pond meets the building setback established for the natural river district, spoils are placed in a non-wetland, non-floodplain area landward of the natural vegetation strip, and the pond is not connected to the river by any surface or subsurface drainage system. A pond shall not be constructed in a wetland or the 100-year floodplain.

(d) Bank stabilization or fisheries habitat activities shall comply with all of the following:

(i) Bioengineering practices shall be the preferred alternative for bank stabilization. Bioengineering practices used to stabilize stream banks utilize a combination of native plantings and natural or biodegradable materials to engineer shoreline protection that mimic and or enhance the natural landscape.

(ii) Rock used for bank stabilization above the seasonal low-water level of the stream shall be rounded cobble (fieldstone).

(iii) Quarried limestone or other natural angular stone shall not be exposed by seasonal low water level of the stream.

(iv) An in-stream fisheries habitat structure, such as a lunger, an overhead cover platform or similar structure, shall be, upon completion, indistinguishable from the natural surrounding landscape.

(v) A seawall, vertical bulkhead, gabion basket, concrete bag riprap, broken concrete, and other similar structures are prohibited.

(vi) The proposed project shall fulfill an identifiable need for erosion protection, bank stabilization, or fisheries habitat improvement.

(3) A proposed lot with a preliminary plat approval under the land division act, 1967 PA 288, MCL 560.101 to 560.293, but does not meet the dimensional requirements specified for each natural river on the effective date of these rules shall, upon final plat approval, be issued a zoning permit subject to these rules.

(4) A lot created before the effective date of these rules which does not possess sufficient land area or lot width may be used for the purposes described and subject to the requirements in these rules.

(5) A zoning permit, special use permit, or variance will not be granted for any activity on a lot created after the effective date of these rules if the new lot does not meet the provisions of these rules. A new lot shall not be created if construction of a road/stream crossing is required to provide access to the only buildable area.

(6) Only 1 single-family dwelling or short-term rental facility shall be permitted per lot unless 1 of the following applies:

(a) The property owner submits a site plan for the lot showing theoretical property lines for individual lots that meet all natural river zoning standards, and locate any additional single-family dwelling or short-term rental facility and appurtenance as if the property were divided into those separate lots.

(b) For each single-family dwelling or short-term rental facility placed in a cluster-type setting that does not meet the requirements in subdivision (a) of this subrule, a portion of the lot containing an area equal to a newly created separate legal lot as described in these rules will be made subject to a permanent conservation easement or deed restriction prohibiting construction of any structure within that portion of the lot. A conservation easement will be sold, donated, or otherwise conveyed, in writing in perpetuity, to a land conservancy, local unit of government, or the state. The agency acquiring the conservation easement shall agree, in writing in perpetuity, to refrain from development of the land.

(7) If a proposed single-family dwelling or short-term rental facility is on a vacant, legal, nonconforming parcel that is between and adjacent to 2 parcels that contain a legal single-family dwelling or short-term rental facility that does not meet the minimum building setback standard, and the adjacent single-family dwelling or short-term rental facility are within 150 feet of each other, a minor variance to the building setback standard may be granted that will result in the new single-family dwelling or short-term rental facility being located no closer to the river than the adjacent single-family dwelling or short-term rental facility that is farthest from the high-water mark or landward of the natural

vegetation strip or 75 feet from the high-water mark, whichever is greater, and the single-family dwelling or short-term rental facility shall not be placed on lands subject to flooding or in any wetland area. This subrule does not apply to an appurtenance, accessory building, or other structure. Any development shall be in conformance with the bluff development standards established for each designated natural river in these rules.

(8) A drinking water supply well for a single family dwelling or short-term rental facility shall not be located in the natural vegetation strip or closer to the river than the structure it serves. A drinking water supply well not meeting the requirements of this rule requires a minor variance subject to R 281.60.

(9) The maximum percentage of impervious surface permitted on a lot is as follows:

(a) For a lot with less than 10,000 square feet of area, not more than 35% of the land surface may be covered by an impervious surface.

(b) For a lot with between 10,000 square feet and 40,000 square feet of area, not more than 25% of the land surface may be covered by an impervious surface.

(c) For a lot with between 40,001 square feet and 80,000 square feet of area, not more than 20% of the land surface may be covered by an impervious surface.

(d) For a lot greater than 80,000 square feet in area, not more than 10% of the land surface may be covered by an impervious surface.

(10) A structure shall not be more than 35 feet in height measured from the original surface elevation.

(11) A dock shall conform to all of the following:

(a) A dock shall not be more than 48 square feet in area, with not more than 4 feet of the dock extending over the edge of the river.

(b) A dock shall be designed, constructed, and maintained to blend with the natural surroundings. The use of natural, native materials is encouraged.

(12) A stairway constructed to allow river access shall conform to all of the following standards:

(a) A stairway is not permitted unless no other reasonable and safe access to the river exists.

(b) A stairway shall be low-profile, not more than 4 feet wide, and constructed without stairs being recessed into the ground surface, except if site and soil conditions dictate that a recessed stairway is appropriate.

(c) A landing shall not be constructed unless required by building code, in which case the landing shall be the minimum number and size required by building codes.

(d) Not more than 1 handrail shall be associated with a stairway.

(e) A stairway shall be constructed using natural materials.

(f) A stairway shall be located and maintained to blend with the natural surroundings, and where removal of vegetation in the natural vegetation strip can be minimized.

(13) A boardwalk associated with a footpath to the river's edge shall conform to all of the following:

(a) A boardwalk shall be placed only in an area that is generally too wet to be traversed without significant disturbance of the soils.

(b) A boardwalk and all supports shall be constructed of natural materials.

(c) A boardwalk shall not be more than 3 feet wide.

(d) A boardwalk shall not include any railing.

(e) The top of a boardwalk shall not be more than 12 inches above grade.

(14) Within the natural river district, a natural vegetation strip shall be maintained that includes the river and all lands within the area abutting the river's edge for each designated natural river as specified in these rules. Trees and shrubs may be pruned over not more than a 50-foot width for a filtered view of the river. The natural vegetation strip is also subject to all of the following:

(a) Felling of a tree or removal of other vegetation in the natural vegetation strip is prohibited except for the following:

(i) An unsafe tree, noxious plant, or shrub, such as poison ivy and poison sumac, may be removed without a zoning permit.

(ii) Select tree removal or trimming for forest management practices or disease and insect control, and clearing of vegetation to the minimum width required for public utility primary electric distribution lines and service lines for permitted uses is permitted upon approval of the zoning administrator in consultation with local conservation district staff, if the activity is in keeping with the goals and objectives of the natural river plan.

(b) Mowing is prohibited in the natural vegetation strip except in an area maintained in a mowed condition before the effective date of these rules or to establish a single footpath to the river not to exceed 4 feet wide.

(c) Any island in any stream segment is subject to the natural vegetation strip standards as described in these rules.

(d) Camping, except for tent camping, is not permitted in the natural vegetation strip.

(e) A motorized vehicle shall not be operated off road in the natural vegetation strip.

R 281.58 Bridges.

Rule 8. (1) A bridge for any designated natural river shall conform to all of the following:

(a) An existing bridge that is destroyed by any means, whether on a tributary or mainstream segment, may be replaced. On a mainstream segment or a tributary, subject to mainstream development standards, a destroyed pedestrian bridge may not be replaced with a vehicle bridge. An application for replacement of a destroyed bridge shall be submitted within 12 months of destruction or the replacement bridge shall be considered a new bridge and shall be subject to the standards for a new bridge.

(b) A replacement bridge on any mainstream segment or tributary subject to mainstream development standards shall span the bankfull channel, have a minimum clearance of 5 feet between the ordinary high-water mark and the bottom of the bridge deck and/or deck supports other than abutments, and be a bottomless structure.

(c) A permanent bridge replacing a bottomless bridge on any tributary not subject to mainstream development standards shall span the bankfull channel and be a bottomless structure, and in the case of any pedestrian bridge, constructed in order to exclude the use by any wheeled or tracked motorized vehicle or snowmobile.

(d) A permanent bridge replacing a bridge without a natural bottom on a tributary not subject to mainstream development standards shall be recessed and span the bankfull channel, and, in the case of any pedestrian bridge, be constructed to exclude the use by any wheeled or tracked motorized vehicle or snowmobile.

(e) A new bridge of any type is prohibited on any mainstream segment and on any tributary subject to mainstream development standards.

(f) A new bridge is not permitted on any designated river segment on any parcel that is created after the effective date of these rules, other than on the original parent parcel.

(g) A new pedestrian bridge may be permitted on a tributary not subject to mainstream development standards provided the lands connected by a new bridge are collectively owned by 1 person.

(h) A new permanent bridge on a tributary not subject to mainstream development standards shall span the bankfull channel and be a bottomless structure and, in the case of a pedestrian bridge, be constructed to exclude the use by any wheeled or tracked motorized vehicle or snowmobile.

(i) A new permanent vehicle bridge on a tributary not subject to mainstream development standards requires a special use permit as specified in R 281.55.

(j) Only 1 bridge is permitted to access a portion of land that is otherwise inaccessible from the owner's contiguous property.

(k) A temporary vehicle bridge on a tributary not subject to mainstream development standards for the purpose of access for timber harvest may be permitted provided it is constructed in a manner that minimizes impacts to the stream and aquatic organisms and shall be removed immediately after timber harvesting activities. All disturbed areas in the natural vegetation strip shall be revegetated with native vegetation, any fill placed shall be removed, and the land shall be returned to its original grade as soon as possible after removal of the bridge.

R 281.59 Nonconforming lot, use, structure.

Rule 9. (1) It is recognized that there exists, within the natural river district, lots, structures, and uses of land and structures which were lawful before these rules were promulgated or amended and which would be prohibited, regulated, or restricted pursuant to these rules. It is the intent of these rules to permit legal nonconforming uses, structures, or lots to continue until they are brought into conformity and, in certain instances, to permit the limited expansion of certain legal nonconforming uses and structures.

(2) If the combination of 2 or more contiguous nonconforming vacant lots owned by the same person results in an increase in conformance with the dimensional requirements of these rules, the lots shall be combined for use unless the lots are within a plat established before the effective date of these rules wherein more than 75% of the platted lots contain a single-family dwelling.

(3) The zoning administrator shall approve an application for a zoning permit for a principal use on a legal nonconforming lot of record subject to both of the following:

(a) The principal use complies with these rules, except the minimum lot width and area requirements.

(b) If the non-conforming lot is vacant, the applicant or owner of the subject lot does not own other contiguous vacant properties which if combined with the nonconforming lot would result in increasing the conformity of the lot.

(4) An application for a zoning permit for a principal use on a legal nonconforming lot of record that is not in compliance with R 281.59 (3) shall be treated as a variance pursuant to R 281.60.

(5) If on the effective date of these rules a lawful use of land exists that is made unlawful under these rules, the use may be continued if it remains otherwise lawful, subject to all of the following:

(a) The nonconforming use shall not be enlarged, increased, or extended without a land use variance under R 281.60.

(b) The nonconforming use and the structures associated with the nonconforming use shall not be moved, in whole or in part, to any other portion of the lot or parcel that is occupied by such use on the effective date of these rules unless the move would result in a greater degree of conformity with these rules.

(c) If the nonconforming use of land ceases for any reason for a period of 12 months, any subsequent use of the land shall conform to the requirements specified by these rules.

(6) If a lawful structure exists on the effective date of these rules that is made unlawful under these rules, the structure may remain if otherwise lawful, subject to all of the following:

(a) The structure may not be altered in a way that increases its nonconformity, such as expanding toward the ordinary high-water mark or increasing the height above the maximum height standard. The ground floor area of any legal nonconforming single-family dwelling or short-term rental facility may be expanded by up to 50%, or up to 75% if a variance for not more than a 25% reduction in the building setback standard is granted, of the existing ground floor area cumulative from the date of nonconformance, or to the minimum extent necessary to comply with local standards for minimum legal floor area for dwellings, whichever is greater, if the expansion does not increase the nonconformity of the dwelling. Any alteration of a legal nonconforming dwelling must, to the extent possible, be in compliance with all setback and other building requirements. Any expansion of a lawful, nonconforming dwelling, including construction of additional stories, shall be treated as a variance under R 281.60.

Construction of a new legal nonconforming accessory building or expansion of the ground floor area of an existing legal nonconforming accessory building is considered to be an expansion of the ground floor area of an associated legal nonconforming single-family dwelling or short-term rental facility.

(b) Expansion of a legal nonconforming single-family dwelling or short-term rental facility may be permitted by the zoning administrator as a minor variance if any of the following apply:

(i) Part or all of the expansion is located within the natural vegetation strip, expansion of the dwelling is landward of the existing structure, the expansion is not more than a 50% increase in ground floor area cumulative from the date of nonconformance, the height of the expansion is not greater than the height of the original dwelling and the expansion is not located in a wetland or the 100-year floodplain.

(ii) All of the expansion is located landward of the natural vegetation strip, expansion of the dwelling is not closer to the river than the closest point of the existing dwelling's foundation, the expansion is not more than a 50% increase in ground floor area (or 75% if the variance is not more than a 25% reduction in the building setback standard) cumulative from the date of nonconformance, the height of the expansion is not greater than the height of the original dwelling and the expansion is not located in a wetland or the 100-year floodplain.

(iii) All of the expansion is in compliance with the minimum building setback standard, the expansion is not more than a 100% increase in the enclosed ground floor area of the dwelling cumulative from the date of nonconformance and the expansion is not located in a wetland or the 100-year floodplain.

(c) Any legal nonconforming structure, other than a dam, destroyed by any means except willful destruction by the property owner or his or her agent, to an extent that is more than 50% of its current appraised value, restoration of the structure shall be treated as a variance. The zoning review board or zoning administrator shall appoint a qualified individual to determine whether the structure has been destroyed to an extent that is more than 50% of its current appraised value. Restoration of the structure may be permitted by the zoning administrator, as a minor variance if all of the following conditions exist:

(i) The structure is not located within a floodplain or wetland.

(ii) The presence of the nonconforming structure will not lead to accelerated bank erosion or other material degradation of the river.

(iii) The restored structure has the identical exterior dimensions, configuration, and maximum height of the destroyed structure.

(iv) Application for permit to restore a damaged structure is made within 12 months of the date of damage. An extension may be granted if the property is held in probate, an insurance settlement related to the damage is in dispute, or a criminal investigation related to the damage is in progress.

(v) A structure restored under the provisions of this rule shall be considered a non-conforming structure.

(vi) If any of the provisions of this rule cannot be met, restoration of a destroyed nonconforming structure shall require a variance as provided in R 281.60.

(d) If a legal nonconforming structure has deteriorated or is willfully destroyed by the property owner or owner's agent to an extent that restoration costs are more than 50% of its current appraised value, the property owner shall meet all development standards in these rules to the greatest extent possible when constructing any replacement structure and shall require a variance as provided in R 281.60. The zoning review board or zoning administrator shall appoint a qualified individual to determine whether the structure has been destroyed to an extent that is more than 50% of its current appraised value.

(e) If a variance is granted for a new single-family dwelling or short-term rental facility to replace a single-family dwelling or short-term rental facility that has been destroyed to an extent that is more than 50% of its current appraised value, a variance to construct a larger replacement structure shall be considered to be the same as a variance to expand the original structure for the purposes of determining maximum expansion of the original nonconforming structure.

(f) A variance shall not be granted for a new nonconforming structure to replace a destroyed nonconforming structure that would result in the new structure being more nonconforming than the destroyed structure, such as moving the structure closer to the ordinary high-water mark or increasing the height above the maximum height standard.

(g) The nonconforming structure shall not be moved, in whole or in part, to any other portion of the lot or parcel that is occupied by the structure on the effective date of these rules or amendment of these rules, unless the move would result in a greater degree of conformity with these rules. Moving a legal nonconforming structure requires a zoning permit and may require a variance.

(h) Reconstruction of a dam that is breached or destroyed by more than 50% of its replacement costs requires a land use variance. If a variance is approved, reconstruction of the dam shall be subject to all of the following provisions:

(i) Reconstruction of a dam shall comply with applicable regulations and standards in effect at the time of application for replacement.

(ii) Application for reconstruction of a dam shall be received within 1 year of destruction.

(iii) A reconstructed dam shall be built at the same location as the original dam and with a height not greater than the original dam height.

(iv) A bottom discharge and fish passage facility shall be provided for a reconstructed dam where appropriate.

R 281.60 Variance and variance hearings.

Rule 10. (1) A dimensional variance from any standard established in these rules may be granted by the zoning review board after a public hearing or, by the zoning administrator as provided in these rules, to allow a modification from a standard that establishes an area, yard, height, floor space, frontage, setback, or similar numerical restriction, but only after evidence establishes that a practical difficulty exists in complying with these rules. A variance shall be granted only when it is consistent with the general purposes and intent of these rules. Work authorized by the variance shall not commence until a permit is issued by the zoning administrator.

(2) The zoning review board or zoning administrator shall consider the following factors to determine if a practical difficulty exists in order to comply with these rules as specified in subrule (1) of this rule:

(a) A condition exists on the property that prevents the development standards from being met.

(b) The practical difficulty can be overcome by some reasonable method other than a variance.

(c) If the practical difficulty cannot be overcome by some reasonable method other than a variance, the variance shall meet the standards to the greatest extent possible.

(d) The variance will cause a substantial change in the character of the area.

(e) In view of the manner in which the practical difficulty arose, the interests of justice will be served by allowing the variance.

(f) The practical difficulty is due to circumstances which are unique to the subject property and not self created.

(g) The variance shall not result in an adverse effect on the environment.

(3) The public hearing and review of a variance request by the zoning review board may be waived for a minor dimensional variance for a principal use. Such a variance application shall be processed by the zoning administrator, who shall consider the factors of subrule (2) of this rule in making a determination. The zoning administrator shall prepare a written finding of fact that details the reasons for approval or denial of the minor variance request. A minor variance is defined as a reduction in setback for a principal use on any lawful lot that is not more than 25% of the normal dimensional requirements, a certain variance to expand a legal nonconforming dwelling or restore a destroyed legal nonconforming structure as described in R 281.59 and a setback variance for a single-family dwelling and short-term rental facility, as described in R 281.57.

(4) A land use variance is a land or building use in contravention of any of the use requirements of these rules. The zoning review board may, after a public hearing, grant a land use variance upon a finding of unnecessary hardship, which may be found upon evidence being submitted that all of the following factors exist:

- (a) The property cannot be used as zoned.
- (b) The unnecessary hardship results from the application of these rules to the subject property.
- (c) The unnecessary hardship is suffered by the subject property only and not shared by other property owners.

(d) The unnecessary hardship is not self created.

(5) Upon determining that an unnecessary hardship for a land use variance exists, the zoning review board shall determine that the proposed use meets all of the following:

- (a) The proposed use shall be in accordance with the natural river plan.
- (b) The proposed use will be designed, constructed, operated, and maintained consistent with the existing or intended character of the natural river district and the proposed use will not change the character of the natural river district.
- (c) The proposed use will not involve activities, processes, materials, equipment, and conditions of operation that may be detrimental to any person, property, or the environmental quality of the natural river district, such as excessive noise, smoke, fumes, glare, odors, or outdoor storage of materials.
- (d) The proposed use will be consistent with the intent and purpose of these rules.
- (e) The proposed use or a structure to be used will not cause an overcrowding of the land or an undue concentration of population that may result in degradation to the natural river district.
- (f) The proposed use lot area is sufficient, appropriate, and adequate for the proposed use and the reasonable anticipated operation and expansion thereof.

(6) The economic return factor shall be considered only if the applicant has been deprived of all beneficial use of subject property under existing zoning. In determining whether reasonable use may be made of the property as zoned, a reasonable economic return may be considered, but only if the applicant is in compliance with the provisions of subrules (1) to (5) of this rule.

(7) Upon receipt of a variance application, the zoning review board shall conduct a public hearing on the variance application, except in the case of a minor variance application. The application, public hearing, and notice procedure shall follow the procedures in R 281.55. The zoning review board shall record all its proceedings, which shall include minutes of meetings, findings, and actions taken, including the final order. Reasons for the decision shall be in writing. The zoning review board shall record the vote of each member on each question. The zoning review board shall record if a member is absent or fails to vote. All records shall be open for public inspection. The concurring vote of at least a majority of the eligible voting members of the zoning review board is required to grant a dimensional variance. The concurring vote of at least a two-thirds majority of the eligible voting members of the zoning review board is required to grant a land use. If the required concurring vote for approval of a variance is not achieved, the variance is denied.

(8) A variance shall create a nonconforming land use, lot, or structure that is subject to R 281.59.

(9) The zoning review board or the zoning administrator may impose permit conditions, in writing, before granting a variance. The zoning permit issued for the variance is not valid until the applicant accepts the conditions in writing.

(10) An application for a variance denied by the zoning review board or zoning administrator shall not be resubmitted for consideration unless significantly different in scope or new and significant facts and conditions exist from the previously denied application.

R 281.61 Zoning administrator; zoning review board; appointment; duties.

Rule 11. (1) The zoning administrator shall do all of the following:

- (a) Provide necessary forms and applications and receive and process forms and applications.
 - (b) Issue a certificate of zoning compliance.
 - (c) Conduct site inspection to ensure compliance with these rules.
 - (d) Pursue resolution of a violation of these rules.
 - (e) Issue any authorized permit and certificate of zoning compliance.
 - (f) Identify and record information relative to any nonconformity.
 - (g) Maintain files of applications, permits, and other relevant documents.
 - (h) Schedule meetings and hearings for, and provide assistance to, the zoning review board.
 - (i) Act upon a minor variance as permitted by R 281.60.
 - (j) Act upon a request for expansion or reconstruction of a non-conforming structure as permitted by R 281.59.
- (2) In establishing the zoning review board, the department shall cooperate with and seek the advice of all of the following affected entities:
- (a) Townships and counties.
 - (b) Conservation districts.
 - (c) Property owners' associations.
 - (d) Other interested local organizations and citizens.
- (3) The department shall request that each affected township appoint to the zoning review board 1 member and 1 alternate member to represent township interests on matters within its jurisdiction.
- (4) The department shall request that each affected county appoint to the zoning review board 2 members, 1 of which shall be a county official who works in planning, zoning, public health, soil erosion and sedimentation control, or a related field, and 2 alternate members, to represent its interests on matters within its jurisdiction.
- (5) The department shall request that each affected conservation district appoint to the zoning review board 1 member and 1 alternate member to represent its interests on matters within its jurisdiction.
- (6) County, township, and conservation district representatives appointed to the zoning review board shall vote only on those matters within their respective jurisdictions. If affected townships, counties, or conservation districts do not appoint a member to the zoning review board within 60 days from the written request by the department, the department may appoint a member.
- (7) The department shall appoint 1 department representative and 1 alternate who shall vote on all matters before the zoning review board.
- (8) The department shall appoint 2 citizen representatives and 1 alternate who shall vote on all matters before the zoning review board.
- (9) A member appointed as an alternate may be called to sit as a regular member in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reason of conflict of interest. An alternate member shall serve in the case until a final decision has been made. An alternate member shall have the same voting rights as a regular member of the zoning review board.
- (10) The zoning review board shall hold at least 1 meeting annually for such purposes as adopting or amending rules of procedure, establishing officers, educational purposes, or to conduct any manner of business as provided for by these rules.
- (11) The zoning review board shall do all of the following:
- (a) Adopt rules of procedure that govern the transaction of its business.
 - (b) Act upon requests for special use permits.
 - (c) Act upon certain dimensional and land use variances pursuant to R 281.60.
 - (d) Act upon requests for expansion or reconstruction of non-conforming structures as permitted by R 281.59.
 - (e) Interpret the official zoning map pursuant to R 281.63.

R 281.62 Boundaries and permitted use; precedence of local zoning ordinance over rules; local government reporting.

Rule 12. (1) The department may make amendments and supplements to boundaries and to permitted uses requested by a local unit of government or by a landowner following an administrative hearing held pursuant to the administrative procedures act, 1969 PA 306, MCL 24.271 to 24.287, if implementation of the amendment, or supplement does not contravene the purposes of these rules pursuant to R 281.52.

(2) A copy of any amendment or supplement to boundary shall be sent to all of the following affected entities:

- (a) County register of deeds.
- (b) Township and county clerks.
- (c) Local building code department.
- (d) Local soil erosion and sedimentation control enforcement agency.
- (e) Conservation district.
- (f) County drain commissioner.
- (g) Zoning review board members.

(3) A local zoning ordinance that meets all of the requirements of natural rivers, part 305, 1994 PA 451, MCL 324.30501 to 324.30515 and the Michigan zoning enabling act, 2006 PA 110, MCL 125.3101 to 125.3702, may take precedence over these rules. If a local zoning ordinance does not meet all of the requirements of natural rivers, part 305, 1994 PA 451, MCL 324.30501 to 324.30515 or if the local ordinance becomes inapplicable to the land area encompassed by the natural river district through court action or for any other reason, these rules apply. Upon request, the department shall assist a local unit of government in developing an ordinance that meets the requirements of natural rivers part 305, 1994 PA 451, MCL 324.30501 to 324.30515. The department shall determine if a local ordinance meets all of the requirements of natural rivers, part 305, 1994 PA 451, MCL 324.30501 to 324.30515 and shall notify the local unit of government of that determination in writing. If the department withdraws approval of a local zoning ordinance, these rules shall apply.

(4) A local unit of government administering a local zoning ordinance approved by the department shall comply with the following:

(a) A copy of all special use and variance applications received by the local unit of government shall be provided to the state natural rivers zoning administrator not less than 15 days before the application will be considered by the zoning board of appeals or planning commission. A copy of the local zoning administrator's decision for a minor variance application, with permit and approved site plan, if applicable, shall be sent to the state natural rivers zoning administrator.

(b) Each local unit of government shall provide an annual report, in writing, to the state natural rivers zoning administrator by March 1 of each year for the preceding year natural rivers zoning activity. The annual report shall include, at minimum, all of the following information:

(i) Total number of natural river district land use/zoning permit applications submitted to the local unit of government during the calendar year.

(ii) Total number of natural river district variance applications received during the calendar year.

(iii) Total number of natural river district special use applications received during the calendar year.

(iv) Summary of all decisions made by the zoning board of appeals or planning commission on applications for projects in the natural rivers district during the calendar year.

(v) Summary of all outstanding violations of natural rivers standards and the actions taken by the local unit of government to gain compliance at the site during the calendar year.

(5) If the local zoning ordinance no longer meets the requirements of natural rivers part 305, 1994 PA 451, MCL 324.30501 to 324.30515 or the department determines the local unit of government has failed to administer the natural river ordinance or has failed to meet the requirements of subrule (4), then

these rules apply and the department shall notify the local unit of government of that determination in writing.

R 281.63 Interpretation of boundaries; filing of zoning map.

Rule 13. (1) If uncertainty exists with respect to the boundaries of the district as shown on the zoning map and as described in these rules, the zoning administrator shall interpret the district boundaries.

(2) If a district boundary of a designated stream begins or ends at a culvert, bridge, dam or other structure, the district boundary shall include the structure and any right-of-way associated with the structure.

(3) The department shall record a certified copy of the natural river zoning map with all of the following affected entities:

- (a) State tax commission.
- (b) Local tax assessing officer.
- (c) Township and county clerks.
- (d) County drain commissioner.
- (e) Local building code department.

R 281.64 Compliance; violation; remedy.

Rule 14. (1) A structure or land shall not be used or occupied, and a structure or part thereof shall not be erected, constructed, reconstructed, moved, or altered, unless the structure or land is in compliance with these rules. The department shall not waive any right or remedy against any person who violates these rules if the violation was committed in reliance on an authorization erroneously given in violation of any provision of these rules. Any authorized permit, variance, or action that is contrary to these rules is invalid from the date of the authorization.

(2) A permit or variance shall not be issued by the department for any structure or use on a parcel of land upon which an unresolved violation of any of these rules exist.

(3) In addition to any other remedy, the department may initiate appropriate action or proceeding to prevent, correct, or abate any rule violation or any threatened violation.

R 281.65 Appeal.

Rule 15. An aggrieved party may appeal the decision of the zoning administrator or zoning review board and shall be granted an administrative hearing if a petition is filed with the department within 60 days after notice of decision. The administrative hearing shall be conducted pursuant to the administrative procedures act, 1969 PA 306, MCL 24.271 to 24.287.

R 281.66 Severability.

Rule 16. If the provisions of these rules are declared by a court to be unconstitutional or invalid, such ruling shall not affect the validity of the remaining provisions of these rules and the provisions of these rules shall be severable.

R 281.70 Jordan river system boundaries, effective date.

Rule 20. (1) The boundaries of the Jordan river natural river district shall be as described in these rules and as depicted on the certified Jordan river natural river zoning map with an effective date of September 25, 1974. The Jordan river natural river zoning district comprises an area which is described as follows:

(a) The mainstream of the Jordan river from the west line of section 22, T31N, R5W to Roger's bridge in section 35, T32N, R7W.

(b) Bennett creek from the outfall of Mud lake in section 15, T31N, R7W to its confluence with the

Jordan river.

(c) Todd creek from Carson road from the west line of section 31, T32N, R6W to its confluence with the Jordan river.

(d) Bartholemew creek from its source in section 14, T31N, R7W to its confluence with the Jordan river.

(e) Severance creek from its source in section 5, T31N, R6W to its confluence with the Jordan river.

(f) Webster creek from its source in section 8, T31N, R6W to its confluence with the Jordan river.

(g) Lilak creek from its source in section 13, T31N, R7W to its confluence with the Jordan river.

(h) Martin creek from its source in section 19, T31N, R6W to its confluence with the Jordan river.

(i) Balster-Mill creek from its source in section 15, T31N, R6W to its confluence with the Jordan river.

(j) Unnamed stream from its source in section 21, T31N, R6W to its confluence with Balster-Mill creek.

(k) Sutton creek from the Old state road crossing in section 22, T31N, R6W to its confluence with the Jordan river.

(l) Cokirs creek from its source in section 24, T31N, R7W to its confluence with the Jordan river.

(m) Scotts creek from its sources in section 28, T31N, R6W to its confluence with the Jordan river.

(n) Tutstone creek from its source in section 33, T31N, R6W to its confluence with the Jordan river.

(o) Unnamed stream from its source in section 33, T31N, R6W to its confluence with the Jordan river.

(p) Green river from its source in section 27, T30N, R6W to its confluence with the Jordan river.

(q) Stevens creek from its source in section 16, T30N, R6W to its confluence with the Jordan river.

(r) Unnamed stream from its source in section 35, T31N, R6W to its confluence with the Jordan river.

(s) Landslide creek from its source in section 14, T30N, R6W to its confluence with the Jordan river.

(t) Cascade creek from Alba road in section 22 T30N, R6W to its confluence with Landslide creek.

(u) Section 13 creek from its source in section 13, T30N, R6W to its confluence with the Jordan river.

(v) Six tile creek from its source in section 6, T30N, R5W to its confluence with the Jordan river.

(w) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (v) of this subrule.

(x) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (w) of this subrule.

R 281.71 Jordan River system principal use; natural vegetation strip.

Rule 21. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility, including accessory buildings and appurtenances, with the following provisions:

(i) The minimum building setback shall be not less than 200 feet from the ordinary high-water mark on the mainstream and not less than 100 feet on all designated tributaries, except as described in R 281.57.

(ii) Building shall not take place on land that is subject to flooding or in any wetland area.

(iii) The natural contour of the face and crest of a bluff shall not be altered.

(iv) The land between the crest of a bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

- (i) A septic tank and disposal field meet local health department standards.
- (ii) A disposal field shall not be located less than 200 feet from the ordinary high-water mark on the mainstream and 100 feet from the ordinary high-water mark on all designated tributaries and not less than 100 feet from any surface or subsurface drain that discharges into the Jordan river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
- (iii) A septic tank shall not be closer to the river than the dwelling it serves and not located within a wetland area.
- (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall not be located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Jordan river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
- (v) Drywells and earth privies are prohibited unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.
- (vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.
- (vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.
- (g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.
- (h) A land division, if any lot created after September 25, 1974, with the following provisions:
 - (i) Is accessible by a public road or legal easement on at least 1 side of the stream.
 - (ii) Has at least 150 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river and is at least 150 feet wide at the minimum building setback line.
 - (iii) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.
 - (iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.
 - (v) A lot that exists on September 25, 1974, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after September 25, 1974, shall meet the minimum requirements of this rule, except as provided in R 281.56.
- (i) Home occupations and home-based occupations, subject to the provisions of R 281.57.
- (j) Land alteration, subject to R 281.57.
- (k) Bridges, subject to Rule 281.58.
- (l) Forest management activities within the natural vegetation strip, subject to R 281.57.
- (m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.
- (n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.
- (2) Within the Jordan river natural river district, a natural vegetation strip that includes the river and all lands within 100 feet of the ordinary high-water mark shall be maintained on each side of the Jordan river mainstream. A restrictive cutting belt that includes the river and all lands within 25 feet of the

ordinary high-water mark shall be maintained on each side of all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.80 Betsie river system boundaries.

Rule 30. The boundaries of the Betsie river natural river district shall be as described in these rules and as depicted on the certified Betsie river natural river zoning map with an effective date of June 11, 1977. The Betsie river natural river zoning district comprises an area described as follows:

- (a) The Betsie river from Grass lake dam in section 2, T25N, R13W to its mouth at Betsie lake in section 35, T26N, R16W.
- (b) The Little Betsie river from its source in section 24, T25N, R13W, in Benzie county to its confluence with the Betsie river.
- (c) Dair creek from its source in section 15, T25N, R14W, in Benzie county to its confluence with the Betsie river.
- (d) All lakes, ponds, impoundments, or other surface water bodies not traditionally considered rivers, streams, or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (c) of this rule.
- (e) The lands lying within 400 feet of the river's edge described in subdivisions (a) to (d) of this rule.

R 281.81 Betsie river system principal uses; natural vegetation strip.

Rule 51. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with the following provisions:
 - (i) The minimum building setback shall be not less than 200 feet from the ordinary high-water mark on the mainstream and 100 feet on the Little Betsie river and Dair creek, except as described in R 281.57.
 - (ii) On the mainstream, the setback may be decreased 5 feet for every 1 foot of rise in bank height above 5 feet above the ordinary high-water mark, to a minimum of 150 feet from the ordinary high-water mark.
 - (iii) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.
 - (iv) Building shall not take place on land that is subject to flooding or in any wetland area.
 - (v) The natural contour of the face and crest of the bluff shall not be altered.
 - (vi) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to the provisions of R 281.57.
- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with all of the following provisions:
 - (i) A septic tank and disposal field meet local health department standards.
 - (ii) A disposal field located not less than 150 feet from the ordinary high-water mark and not less than 100 feet from any surface or subsurface drain that discharges into the Betsie river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) A septic tank shall not be closer to the river than the dwelling it serves and not located within a wetland area.
 - (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall be located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Betsie river or its

designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after June 11, 1977, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 200 feet wide at the minimum building setback line.

(iii) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks under this rule.

(v) A lot that exists on June 11, 1977, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Lots that are created after June 11, 1977, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Betsie river natural river district, a natural vegetation strip that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the Betsie river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.90 White river system boundaries.

Rule 40. The boundaries of the White river natural river district shall be as described in these rules and as depicted on the certified White river natural river zoning map with an effective date of May 5, 1979. The White river natural river zoning district comprises an area which is described as follows:

(a) The mainstream of the White river from 8-mile road, in section 21, T15N, R12W, downstream to US-31 in section 22, T12N, R17W, excluding the following: from the north city limit of White Cloud down to old M-20 west of the city, from the east city limit of Hesperia down to the west city limit and those portions within the city limits of Whitehall and Montague.

(b) Mullen creek from 6-Mile road in section 34, T15N, R12W to its confluence with the White river.

- (c) Five Mile creek from Pine avenue in section 18, T14N, R11W to its confluence with the White river.
- (d) Flinton creek from Pine avenue in section 31, T14N, R11W to its confluence with the White river.
- (e) Wrights creek from Comstock road in section 33, T14N, R14W to its confluence with the White river.
- (f) Mena creek from Minnie lake dam in section 5, T14N, R13W to its confluence with the White river.
- (g) Martin creek from Warner avenue in section 2, T14N, R13W, to its confluence with the White river.
- (h) East Branch Heald creek from Croswell road in section 32, T15N, R13W to its confluence with Martin creek.
- (i) Braton creek from Wilkie road in section 24, T13N, R15W to its confluence with the White river.
- (j) Cushman creek from 192nd avenue in section 26, T13N, R15W to its confluence with the White river.
- (k) Skeels creek from 192nd avenue (Holton Duck Lake road) in section 11 T12N, R15W to its confluence with the White river.
- (l) North Branch White river from 198th avenue in section 11, T14N, R15W to its confluence with the White river.
- (m) Robinson creek from Woodrow road in section 12, T14N, R17W to its confluence with the North Branch.
- (n) Swinton and Osborn (Cobmoosa) creek from Filmore road in section 26, T15N, R16W to its confluence with the North Branch.
- (o) Newman creek from 132nd avenue in section 4, T13N, R16W to its confluence with the North Branch.
- (p) Knutson creek from Garfield road in section 32, T14N, R15W downstream to its confluence with the North Branch.
- (q) Sand creek from outlet of Dressler lake in section 1, T13N, R17W to its confluence with the White river.
- (r) Carlton creek from Arthur road in section 4, T13N, R17W to its confluence with the White river.
- (s) Mud creek from outlet of Heitman lake in section 24, T13N, R17W to its confluence with Carlton creek.
- (t) Carleton (Landford) creek from Walsh road in section 10, T12N, R17W to its confluence with the White river.
- (u) Silver creek from Silver creek road in section 14, T12N, R17W to its confluence with the White river.
- (v) Cleveland creek from Russell road in section 16 T12N, 16W to its confluence with the White river.
- (w) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (v) of this rule
- (x) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (w) of this rule.

R 281.91 White river system principal uses; natural vegetation strip.

Rule 41. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with all the following provisions:
 - (i) The minimum building setback shall be not less than 150 feet from the ordinary high-water mark on the mainstream from 8-mile road in the northwest corner of section 28, T15N, R12W to Lutes bridge

(Baldwin road), T14N, R13W and from Podunk bridge between sections 9 and 10, T13N, R15W to US 31 in Muskegon county except as described in R 281.57.

(ii) The setback may be decreased 5 feet for every 1 foot of rise in bank height above 7 feet above the ordinary high-water mark, to a minimum of 100 feet from the ordinary high-water mark.

(iii) The minimum building setback shall be not less than 100 feet from the ordinary high-water mark on the mainstream from Lutes bridge (Baldwin road) to Podunk bridge and on all designated tributaries.

(iv) The setback may be decreased 5 feet for every 1 foot of rise in bank height above 7 feet above the ordinary high-water mark, to a minimum of 75 feet from the ordinary high-water mark.

(v) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.

(vi) Building shall not take place on land that is subject to flooding or in any wetland area.

(vii) The natural contour of the face and crest of the bluff shall not be altered.

(viii) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 100 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the White river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the White river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after May 5, 1979, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 200 feet wide at the minimum building setback line.

(iii) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage and the front line of the parcel is greater than 150 feet from the

river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on May 5, 1979, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after May 5, 1979, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to the provisions of R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the White river natural river district, a natural vegetation strip that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the White river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.100 Huron River system boundaries.

Rule 50. The boundaries of the Huron river natural river district shall be as described in these rules and as depicted on the certified Huron river natural river zoning map with an effective date of June 2, 1980. The Huron river natural river zoning district comprises an area that is described as follows:

(a) The mainstream of the Huron river from Kent lake dam in section 1, T1N, R6E to the west line of section 32, T1N, R5E excluding Strawberry, Gallagher, Loon, which is also known as Long or Little Gallagher, and the 2 Whitewood lakes; and from John Flook dam in section 1, T1S, R4E to the Scio-Ann Arbor township line in Washtenaw county, excluding the incorporated village of Dexter.

(b) Davis creek, which is also called the Southeast Branch of the Huron river, Livingston county, Green oak township, from the outfall of Sandy Bottom lake in section 27, T1N, R6E to its confluence with the Huron river.

(c) Arms creek, from the confluence of the 2 Branches in section 10, T1S, R5E to its confluence with the Huron river.

(d) Mill creek, from Parker road in section 13, T2S, R4E to the incorporated village limits of Dexter.

(e) Unless specifically exempted in this subdivision, all lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (d) of this rule.

(f) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (e) of this rule.

R 281.101 Huron River system principal uses; natural vegetation strip.

Rule 51. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with all the following provisions:

(i) The minimum building setback shall be not less than 125 feet from the ordinary high-water mark on the mainstream except as described in R 281.57.

(ii) The setback may be decreased 10 feet for every 10 foot of rise in bank height to a minimum of 75 feet from the ordinary high-water mark.

(iii) The minimum building setback on all designated tributaries shall be not less than 50 feet from the ordinary high-water mark.

(iv) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.

(v) Building shall not take place on land that is subject to flooding or in any wetland area.

(vi) The natural contour of the face and crest of the bluff shall not be altered.

(vii) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 125 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the Huron river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall not be located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Huron river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after June 2, 1980, with the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 150 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 150 feet wide at the minimum building setback line.

(iii) Contain at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on June 2, 1980, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 2, 1980, shall meet the minimum requirements of this rule, except as provided in R 281.56.

- (i) Home occupations and home-based occupations, subject to R 281.57.
- (j) Land alteration, subject to R 281.57.
- (k) Bridges, subject to R 281.58.
- (l) Forest management activities within the natural vegetation strip, subject to R 281.57.
- (m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.
- (n) Bank stabilization and fisheries habitat improvement activities subject to R 281.57.
- (2) Within the Huron river natural river district, a natural vegetation strip that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the Huron river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.110 Rogue river system boundaries.

Rule 60. The boundaries of the Rogue river natural river district shall be as described in these rules and as depicted on the certified Rogue river natural river zoning map with an effective date of June 2, 1980. The Rogue river natural river zoning district comprises an area that is described as follows:

- (a) The mainstream of the Rogue river from 20 Mile road in section 11, T10N, R12W to its confluence with the Grand river.
- (b) Spring creek from its source in section 4, T10N, R11W to its confluence with the Rogue river.
- (c) Duke creek from its source in section 1, T10N, R11W to its confluence with the Rogue river.
- (d) Cedar creek from its source in section 29, T10N, R10W to its confluence with the Rogue river.
- (e) Stegman creek from its source in section 16, T9N, R10W to its confluence with the Rogue river.
- (f) Becker creek from its sources in sections 5 and 8, T9N, R10W to its confluence with the Stegman creek.
- (g) Shaw creek from its sources in section 29, T9N, R10W to its confluence with the Rogue river.
- (h) Rum creek from its source in section 4, T8N, R10W to its confluence with the Rogue river.
- (i) Barkley creek from its source in section 8, T9N, R10W to its confluence with the Rogue river.
- (j) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (i) of this rule.
- (k) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (j) of this rule.

R 281.111 Rogue river system principal uses; natural vegetation strip.

Rule 61. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with the following provisions:
 - (i) The minimum building setback shall be not less than 150 feet from the ordinary high-water mark on the mainstream and 100 feet from the ordinary high-water mark on all designated tributaries, except as described in R 281.57.
 - (ii) A dwelling shall be set back not less than 50 feet from the top of a bluff on a cutting edge of a stream.
 - (iii) Building shall not take place on land that is subject to flooding or in any wetland area.
 - (iv) The natural contour of the face and crest of the bluff shall not be altered.
 - (v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to R 281.57.

- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with all the following provisions:
 - (i) A septic tank and disposal field meet local health department standards.
 - (ii) A disposal field located not less than 100 feet from the ordinary high-water mark on the mainstream and all designated tributaries and not less than 50 feet from any surface or subsurface drain that discharges into the Rogue river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
 - (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall not be located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Rogue river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.
 - (vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.
 - (vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.
- (g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.
- (h) A land division, if any lot created after June 2, 1980, with all the following provisions:
 - (i) Is accessible by a public road or legal easement standards on at least 1 side of the stream that has all the following:
 - (ii) At least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 200 feet wide at the minimum building setback line.
 - (iii) At least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.
 - (iv) Sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.
 - (v) A lot that exists on June 2, 1980, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 2, 1980, shall meet the minimum requirements of this rule, except as provided in R 281.56.
 - (i) Home occupations and home-based occupations, subject to R 281.57.
 - (j) Land alteration, subject to R 281.57.
 - (k) Bridges, subject to R 281.58.
 - (l) Forest management activities within the natural vegetation strip, subject to R 281.57.
 - (m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.
 - (n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Rogue river natural river district, a natural vegetation strip that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the Rogue river mainstream. A restrictive cutting belt that includes the river and all lands within 25 feet of the ordinary high-water mark shall be maintained on each side of designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.120 Boardman river system boundaries.

Rule 70. The boundaries of the Boardman river natural river district shall be as described in these rules and as depicted on the certified Boardman river natural river zoning map with an effective date of June 2, 1980. The Boardman river natural river zoning district comprises an area which is described as follows:

(a) Mainstream of Boardman river from the confluence of the North Branch Boardman river and the South Branch Boardman river in section 4, T26N, R9W to Brown bridge dam in section 15, T26N, R10W.

(b) Mainstream of Boardman river from Brown bridge dam, section 15, T26N, R10W to the north boundary of Grand Traverse county property in section 27, T27N, R11W.

(c) North Branch Boardman river from U.S. 131 in section 20, T27N, R7W to the confluence with the South Branch Boardman river.

(d) South Branch Boardman river from U.S. 131 in section 16, T26N, R8W to the confluence with the North Branch Boardman river.

(e) Beitner creek from Sawyer road in section 8, T26N, R11W to its confluence with the Boardman river.

(f) Unnamed stream from the south line of section 9, T26N, R11W to its confluence with Beitner creek.

(g) Jaxon creek from the south line of section 31, T26N, R10W to its confluence with the Boardman river.

(h) Swainston creek from the west line of section 8, T25N, R10W to its confluence with the Boardman river.

(i) Jackson creek from Wood road in section 14, T25N, R10W to its confluence with East creek.

(j) East creek from the confluence of Bancroft and Parker creeks in section 36, T26N, R10W to its confluence with the Boardman river.

(k) Parker creek from the north line of the south ½ of section 31, T26N, R9W to the confluence with Bancroft creek.

(l) Bancroft creek from Sparling road in section 7, T25N, R9W to the confluence with Parker creek.

(m) Carpenter creek from County road 660 (Supply road) in 13 T26N, R9W to its confluence with Twenty-Two creek.

(n) Twenty-Two creek from the east line of section 27, T26N, R9W to its confluence with the Boardman river.

(o) Taylor creek from U.S. 131 in section 15, T26N, R9W to its confluence with the South Branch Boardman river.

(p) Unnamed stream from its source in section 16, T26N, R9W to its confluence with Taylor creek

(q) Crofton creek from U.S. 131 in section 2, T26N, R8W to its confluence with the North Branch Boardman river.

(r) Failing creek from U.S. 131 in section 30, T27N, R7W to its confluence with the North Branch Boardman river.

(s) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (r) of this rule.

(t) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (s) of this rule.

R 281.121 Boardman river system principal uses; natural vegetation strip.

Rule 71. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with the following provisions:

(i) The minimum building setback shall be not less than 150 feet from the ordinary high-water mark on the mainstream from the confluence of the north Branch and South Branch to Brown bridge dam, and 100 feet from the ordinary high-water mark on the mainstream from Brown bridge dam to the north boundary of Grand Traverse county property in section 27, T27N, R11W, Garfield township and on all other designated tributaries except as described in R 281.57.

(ii) Dwellings shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.

(iii) Building shall not take place on land that is subject to flooding or in any wetland area.

(iv) The natural contour of the face and crest of the bluff shall not be altered.

(v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 100 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the Boardman river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall not be located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Boardman river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may not be located less than 50 feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after June 2, 1980, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) On all designated segments has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 200 feet wide at the minimum building setback line.

(iii) Contains at least 40,000 square feet of area within the natural river district. Any “common area” created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river’s edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on June 2, 1980, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 2, 1980, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river’s edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Boardman river natural river district, a natural vegetation strip that includes the river and all lands within 75 feet of the ordinary high-water mark shall be maintained on each side of the mainstream from the confluence of the north Branch and South Branch to Brown bridge dam. A restrictive cutting belt that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the mainstream from Brown bridge dam to the north boundary of Grand Traverse county property in section 27, T27N, R11W, Garfield township and on all other designated tributaries. Cutting in the natural vegetation strip is subject to the provisions of R 281.57.

R 281.130 Pere Marquette river system boundaries.

Rule 80. The boundaries of the Pere Marquette river natural river district shall be as described in these rules and as depicted on the certified Pere Marquette river natural river zoning map with an effective date of July 15, 1981. The Pere Marquette river natural river zoning district comprises an area which is described as follows:

(a) The mainstream of the Pere Marquette from the junction of the middle Branch and the little South Branch, commonly known as the "forks" located in section 22, T17N, R13W to Pere Marquette road in section 25, T18N, R18W, excluding that portion of the river within the city of Scottville.

(b) Swan creek from Darr road section 5, T17N, R16W to its confluence with the Pere Marquette river.

(c) Weldon creek from the outfall of Romeo lake in section 9, T18N, R15W to its confluence with the Pere Marquette river.

(d) The Big South Branch from the confluence of Beaver creek with Winnepesaug creek in section 11, T15N, R14W to its confluence with the Pere Marquette river.

(e) Cedar creek from M-37 in section 3, T16N, R13W to its confluence with the Big South Branch.

(f) Ruby creek from its source in section 6, T16N, R15W to its confluence with the Big South Branch.

(g) Carr creek, excluding that portion of the stream which branches north in section 14, T17N, R15W, from Tyndal road in section 18, T17N, R14W to its confluence with the Big South branch.

(h) Sweetwater creek from its source in section 21, T18N, R14W to its confluence with the Pere Marquette river.

(i) Kinney creek from the outfall of Wingleton lake in section 31, T18N, R13W to its confluence with the Pere Marquette river.

(j) Danaher creek from the C & O railroad in section 27, T17N, R13W to its confluence with the Pere Marquette river.

- (k) The Baldwin river, excluding that portion in the village of Baldwin, from the outfall of the widewaters in section 32, T19N, R12W to its confluence with the Pere Marquette river.
- (l) North Branch of Cole creek, from big spring in section 15, T18N, R12W to its confluence with the South Branch of Cole creek.
- (m) South Branch of Cole creek from the west line of section 22, T18N, R12W to its confluence with the North Branch of Cole creek.
- (n) Cole creek from the confluence of the North and South Branches of Cole creek in section 20, T18N, R12W to its confluence with the Baldwin river.
- (o) Bray creek from the outfall of Bray lake in section 26, T18N, R13W to its confluence with the Baldwin river.
- (p) Sanborn creek, excluding that portion in the village of Baldwin, from State road in section 24, T18N, R12W to its confluence with the Baldwin river.
- (q) Leverentz creek from the outfall of Leverentz lake in section 35, T18N, R13W to its confluence with the Baldwin river.
- (r) The middle branch from Baker road in section 8, T17N, R11W downstream to the "forks."
- (s) Blood creek from its source in section 16, T17N, R12W to its confluence with the middle Branch.
- (t) The Little South branch from U.S. forest service road 5309 in section 9, T15N, R12W, downstream to the "forks."
- (u) McDuffee creek from 13 mile road in section 34 T16N, R12W, downstream to its confluence with the Little South Branch.
- (v) The Pease creek from the south line of section 34, T17N, R12W, and from the east line of section 7, 16N, R11W to its confluence with the Little South Branch.
- (w) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (v) of this rule.
- (x) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (w) of this rule.

R 281.131 Pere Marquette River system principal uses; natural vegetation strip.

Rule 81. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with all the following provisions:
 - (i) The minimum building setback shall be not less than 150 feet from the ordinary high-water mark on the mainstream, the Big South Branch, the Little South Branch, the Middle Branch, and the Baldwin river and 100 feet on all other designated tributaries except as described in R 281.57.
 - (ii) The setback may be decreased 1 foot for every 1 foot of rise in bank height to a minimum of 100 feet from the ordinary high-water mark on the mainstream and to a minimum of 75 feet from the ordinary high-water mark on all other designated tributaries.
 - (iii) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.
 - (iv) Building shall not take place on land that is subject to flooding or in any wetland area.
 - (v) The natural contour of the face and crest of the bluff shall not be altered.
 - (vi) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to R 281.57.

- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with all the following provisions:
 - (i) A septic tank and disposal field meet local health department standards.
 - (ii) A disposal field located not less than 150 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the Pere Marquette river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
 - (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall be located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Pere Marquette river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.
 - (vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, except the Little South branch, Big South branch, Middle branch and Baldwin river, provided no part of the system is in a wetland or the 100-year floodplain.
 - (vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.
- (g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.
- (h) A land division, for any lot created after July 15, 1981, with the following provisions:
 - (i) Is accessible by a public road or legal easement on at least 1 side of the stream.
 - (ii) On the mainstream, Big South branch, Little South branch, Middle branch, and Baldwin river, has at least 200 feet of river frontage (unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river) and is at least 200 feet wide at the minimum building setback line. On all other designated tributaries, has at least 150 feet of river frontage (unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river) and is at least 150 feet wide at the minimum building setback line.
 - (iii) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.
 - (iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.
 - (v) A lot that exists on July 15, 1981, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after July 15, 1981, shall meet the minimum requirements of this rule, except as provided in R 281.56.
- (i) Home occupations and home-based occupations, subject to R 281.57.
- (j) Land alteration, subject to R 281.57.
- (k) Bridges, subject to R 281.58.
- (l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Pere Marquette river natural river district, a natural vegetation strip that includes the river and all lands within 75 feet of the ordinary high-water mark shall be maintained on each side of the Pere Marquette river mainstream, Big South branch, Little South branch, Middle branch and Baldwin river. A restrictive cutting belt that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of all other designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.140 Rifle river system boundaries.

Rule 90. The boundaries of the Rifle river natural river district shall be as described in these rules and as depicted on the certified Rifle river natural river zoning map with an effective date of April 24, 1984. The Rifle river natural river zoning district comprises an area which is described as follows:

(a) The mainstream of the Rifle river from and including Mallard pond in section 2, R23N, R3E to the northern city limits of Omer in section 10, T19N, R5E, including all channels of the mainstream, except the old channels leading into and out of Devoe lake.

(b) Gamble creek from Heath road in section 25, T24 N, R3E, to Mallard pond.

(c) Vaughn creek from Heath road in section 27, T24N, R3E, to its confluence with Gamble creek.

(d) Oyster creek from Oyster road in section 22, T24N, R3E, to its confluence with Mallard pond.

(e) Mayhue creek from the pond in section 28, T24N, R3E, to its confluence with Oyster creek.

(f) Houghton creek from Heath road in 30, T24N, R3E, to its confluence with the Rifle river.

(g) Wilkins creek from Campbell road in section 11, T23N, R2E, to its confluence with the Rifle river.

(h) Prior creek from Morrison road in section 19, T23N, R3E, to its confluence with the Rifle river.

(i) Klacking creek from its source in Foose swamp in section 34, T23N, R2E, to its confluence with the Rifle river.

(j) Little Klacking creek from its source in section 26, T23N, R2E, to its confluence with Klacking creek.

(k) Dedrich creek from Gerald Miller road in section 22, T22N, R3E, to its confluence with the Rifle river.

(l) West Branch Rifle river from the outfall of Flowage lake in section 32 T22N, R2E, to its confluence with the Rifle river.

(m) North and south branches of Eddy creek from M-33 in sections 12 and 13, T21N, R2E, to its confluence with the Rifle river.

(n) Silver creek from Elbow lake road in section 11, T21N, R3E, to its confluence with the Rifle river.

(o) Mansfield creek from Melita road in section 30, T21N, R4E, to its confluence with the Rifle river.

(p) Fritz creek from Fritz road in section 34, T20N, R4E, to its confluence with the Rifle river.

(q) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (p) of this rule.

(r) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (q) of this rule.

R 281.141 Rifle river system principal uses; natural vegetation strip.

Rule 91 (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with all the following provisions:

(i) The minimum building setback shall be not less than 150 feet from the ordinary high-water mark on the mainstream and 100 feet on all designated tributaries except as described in R 281.57.

(ii) The setback may be decreased 1 foot for every 1 foot of rise in bank height to a minimum of 100 feet from the ordinary high-water mark on the mainstream and to a minimum of 75 feet from the ordinary high-water mark on all other designated tributaries.

(iii) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.

(iv) Building shall not take place on land that is subject to flooding or in any wetland area.

(v) The natural contour of the face and crest of the bluff shall not be altered.

(vi) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to the provisions of R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field must meet local health department standards.

(ii) A disposal field located not less than 150 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the Rifle river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, not located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Rifle river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after April 24, 1984, with the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) On the mainstream, has at least 200 feet of river frontage (unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river) and is at least 200 feet wide at the minimum building setback line.

(iii) On designated tributaries, has at least 150 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 150 feet wide at the minimum building setback line.

(iv) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the

river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(v) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(vi) A lot that exists on April 24, 1984, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after April 24, 1984, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Rifle river natural river district, a natural vegetation strip that includes the river and all lands within 75 feet of the ordinary high-water mark shall be maintained on each side of the Rifle river mainstream. A restrictive cutting belt that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.150 Flat river system boundaries.

Rule 100. The boundaries of the Flat river natural river district shall be as described in these rules and as depicted on the certified Flat river natural river zoning map with an effective date of June 21, 1984. The Flat river natural river zoning district comprises an area which is described as follows:

(a) The mainstream of the Flat river from the M-46/M-66 bridge in section 15, T12N, R7W to the northern limits of the city of Lowell in section 35, T7N, R9W, excluding those portions that flow through the incorporated city limits of Greenville and Belding.

(b) West Branch creek from its source in section 18, T11N, R8W to its confluence with the Flat river.

(c) Clear creek from Lincoln lake avenue in section 27, T10N, R9W to its confluence with Coopers creek.

(d) Coopers creek from Lincoln lake avenue, in section 34, T10N, R9W to its confluence with the Flat river.

(e) Wabasis creek from Mills avenue in section 24, T9N, R9W to its confluence with the Flat river.

(f) Dickerson creek from Sidney road section 18, T10N, R7W to its confluence with the Flat river.

(g) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (f) of this rule.

(h) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (g) of this rule.

R 281.151 Flat river system principal uses; natural vegetation strip.

Rule 101 (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with all the following provisions:

(i) The minimum building setback shall be not less than 100 feet from the ordinary high-water mark on the mainstream and all designated tributaries, except as described in R 281.56 (7), or shall be not less than 25 feet from the 100-year floodplain line, whichever is the greater distance from the river's edge.

(ii) A dwelling shall be set back not less than 50 feet from the top of a bluff.

(iii) Building shall not take place on land that is subject to flooding or in any wetland area.

- (iv) The natural contour of the face and crest of the bluff shall not be altered.
- (v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to R 281.57.
- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with the following provisions:
 - (i) A septic tank and disposal field meet local health department standards.
 - (ii) A disposal field located not less than 100 feet from the ordinary high-water mark on the mainstream and all designated tributaries and not less than 100 feet from any surface or subsurface drain that discharges into the Flat river or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) The septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
 - (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Flat river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
- (v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.
- (vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.
- (vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.
- (g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.
- (h) A land division, if any lot created after June 21, 1984, with all the following provisions:
 - (i) Is accessible by a public road or legal easement on at least 1 side of the stream.
 - (ii) Has at least 100 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 100 feet wide at the minimum building setback line.
 - (iii) Contains at least 30,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.
 - (iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to the standards in this rule.
 - (v) A lot that exists on June 21, 1984, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after June 21, 1984, shall meet the minimum requirements of this rule, except as provided in R 281.56.
- (i) Home occupations and home-based occupations, subject to R 281.57.
- (j) Land alteration, subject to R 281.57.
- (k) Bridges, subject to R 281.58.

- (l) Forest management activities within the natural vegetation strip, subject to R 281.57.
- (m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.
- (n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.
- (2) Within the Flat river natural river district, a natural vegetation strip that includes the river and all lands within 25 feet of the ordinary high-water mark shall be maintained on each side of the Flat river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.160 Pigeon river system boundaries.

Rule 110. The boundaries of the Pigeon river natural river district shall be as described in these rules and as depicted on the certified Pigeon river natural river zoning map with an effective date of February 13, 1985. The Pigeon river natural river zoning district comprises an area that is described as follows:

- (a) The mainstream of the Pigeon river from its source in section 30, T31N, R2W to the Hackleburg road (East Mullett Lake road) bridge.
- (b) Unnamed stream from its source in section 31, T31N, R2W to its confluence with the Pigeon river.
- (c) Unnamed stream from its source in section 30, T31N, R2W to its confluence with the Pigeon river.
- (d) Unnamed stream from its source in section 5, T30N, R2W to its confluence with the Pigeon river.
- (e) Unnamed stream from its source in section 28, T31N, R2W to its confluence with the Pigeon river.
- (f) Slade creek from its sources in sections 27, 34 and 35, T31N, R2W to its confluence with the Pigeon river.
- (g) Duck creek from the south line of section 2, T30N, R2W to its confluence with the Pigeon river.
- (h) Unnamed stream from its source in section 24, T31N, R2W to its confluence with the Pigeon river.
- (i) Grass lake outlet from the outlet of Grass lake in section 5, T32N, R1W to its confluence with the Pigeon river.
- (j) Unnamed stream from its source in section 29, T33N, R1W to its confluence with the Pigeon river.
- (k) Cornwall creek from its source in section 35, T33N, R1W to its confluence with the Pigeon river.
- (l) Grindstone creek from its source in section 17, T33N, R1W to its confluence with the Pigeon river.
- (m) McIntosh creek from its sources in sections 28 and 33, T34N, R1W to its confluence with the Pigeon river.
- (n) Nelson creek from its source in section 29, T33N, R1W to its confluence with the Pigeon river.
- (o) The Little Pigeon river from its source in section 1, T32N, R2W to its confluence with the Pigeon river.
- (p) Molby creek from its sources in sections 24 and 25, T33N, R2W to its confluence with the Little Pigeon river.
- (q) Burrows creek from its source in section 14, T33N, R2W to its confluence with the Little Pigeon river.
- (r) Unnamed stream from its source in section 12, T33N, R2W to its confluence with the Little Pigeon river.
- (s) Unnamed stream from its source in section 23, T34N, R2W to its confluence with the Pigeon river.
- (t) Wilkes creek from its source in section 16, T34N, R1W to its confluence with the Pigeon river.
- (u) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (t) of this rule.
- (v) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (u) of this rule.

R 281.161 Pigeon river system principal uses; natural vegetation strip.

Rule 111. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with all the following provisions:
 - (i) The minimum building setback not less than 200 feet from the ordinary high-water mark on the mainstream and 150 feet on all designated tributaries, except as described in R 281.57.
 - (ii) A dwelling set back not less 50 feet from the top of a bluff.
 - (iii) Building shall not take place on land that is subject to flooding or in any wetland area.
 - (iv) The natural contour of the face and crest of the bluff shall not be altered.
 - (v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to R 281.57.
- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with all the following provisions:
 - (i) The septic tank and disposal field meet local health department standards.
 - (ii) The disposal field shall be located not less than 150 feet from the ordinary high-water mark on the mainstream and all designated tributaries and not less than 50 feet from any surface or subsurface drain that discharges into the Pigeon river or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) The septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
 - (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, not located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Pigeon river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.
 - (vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 75 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.
 - (vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.
- (g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.
- (h) A land division, if any lot created after February 13, 1985, with all the following provisions:
 - (i) Is accessible by a public road or legal easement on at least 1 side of the stream.
 - (ii) On the mainstream, has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 200 feet wide at the minimum building setback line. On designated tributaries, has at least 150 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and is at least 150 feet wide at the minimum building setback line.
 - (iii) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on February 13, 1985, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after February 13, 1985, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Pigeon river natural river district, a natural vegetation strip that includes the river and all lands within 100 feet of the ordinary high-water mark shall be maintained on each side of the Pigeon river mainstream. A restrictive cutting belt that includes the river and all lands within 75 feet of the ordinary high-water mark shall be maintained on each side of all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.170 Au Sable River system boundaries.

Rule 120. The boundaries of the Au Sable river natural river district shall be as described in these rules and as depicted on the certified Au Sable river natural river zoning map with an effective date of August 15, 1990. The Au Sable river natural river zoning district comprises an area which is described as follows:

(a) The Au Sable river from the confluence of Kolka creek and Bradford creek in section 23, T28N, R4W to Loud dam in section 21, T24N, R6E.

(b) Kolka creek from the outfall of Lynn lake in section 26, T29N, R4W to its confluence with Bradford creek in section 23, T28N, R4W.

(c) Bradford creek from the outfall of Big Bradford lake in section 6, T28N, R3W to its confluence with Kolka creek in section 23, T28N, R4W.

(d) East Branch Au Sable river, from the outfall of Barnes lake in section 7, T28N, R2W to its confluence with the Au Sable river.

(e) South Branch Au Sable river, from highway M-76 in section 5 T23N, R1W to its confluence with the Au Sable river.

(f) Douglas creek from its source in section 16, T25N, R1W to its confluence with the South branch Au Sable river.

(g) Thayer creek from its source in section 16, T25N, R2W to its confluence with the South branch Au Sable river.

(h) Hudson creek from its source in section 26, T24N, R2W to its confluence with the South branch Au Sable river.

(i) Robinson creek from its source in section 7, T23N, R2W to its confluence with the South branch Au Sable river.

(j) Beaver creek from its source in section 25, T25N, R4W to its confluence with the South branch Au Sable river.

(k) East creek from its source in section 13, T24N, R1W to its confluence with the South branch Au Sable river.

(l) South creek from its source in section 35, T24N, R1W to its confluence with the South branch Au Sable river.

- (m) North branch Au Sable river, from Ski Slope drive in section 34, T30N, R3W county to its confluence with the Au Sable river.
- (n) Turtle creek from the outfall of Turtle lake in section 33, T30N, R2W to its confluence with the North branch of the Au Sable.
- (o) Chub creek from the outfall of Bridge lake in section 23, T29N, R3W to its confluence with the North branch of the Au Sable.
- (p) Big creek from the confluence of the east branch of Big creek and the west branch of Big creek in section 23, T27N, R1W to its confluence with the north branch of the Au Sable river.
- (q) West branch, Big creek, from the outfall of Caulkins lake in section 14, T29N, R1W to its confluence with the east branch of Big creek in section 23, T27N, R1W.
- (r) Middle branch, Big creek, from the outfall of West Twin lake in section 32, T29N, R1E to its confluence with the east branch of Big creek in section 13, T27N, R1W.
- (s) East branch, Big creek, from the north line of section 27, T28N, R1E to its confluence with the west branch of Big creek in section 23, T27N, R1W.
- (t) Big creek from the confluence of the east branch of Big creek and the west branch of Big creek in section 24, T26N, R1E to its confluence with the Au Sable river in section 1, T26N, R1E.
- (u) West branch, Big creek, from its source in section 1, T24N, R1E to its confluence with the east branch of Big creek in section 24, T26N, R1E.
- (v) East branch, Big creek, from its source in section 10, T25N, R2E to its confluence with the west branch of Big creek in section 24, T26N, R1E.
- (w) Sohn creek from its source in section 20, T27N, R1E to its confluence with the Au Sable river.
- (x) Beaver creek from the east line of section 26, T27N, R1E to its confluence with the Au Sable river.
- (y) Wolf creek from its source in section 19, T26N, R3E to its confluence with the Au Sable river.
- (z) Loud creek from its source in section 29, T26N, R3E to its confluence with the Au Sable river.
- (aa) Perry creek from the outfall of Perry lake in section 9, T27N, R3E to its confluence with the Au Sable river.
- (bb) Comins creek from its source in section 27, T27N, R3E to its confluence with the Au Sable river.
- (cc) Glennie creek from its source in section 30, T27N, R4E to its confluence with the Au Sable river.
- (dd) Nine mile creek from its source in section 28, T26N, R4E to its confluence with the Au Sable river.
- (ee) Blockhouse creek from its source in section 28, T27N, R4E to its confluence with the Au Sable river.
- (ff) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (ee) of this rule.
- (gg) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (ff) of this rule.

R 281.171 Au Sable river system principal uses; natural vegetation strip.

Rule 121. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with all the following provisions:
 - (i) The minimum building setback not less than 200 feet from the ordinary high-water mark on the mainstream, north branch and south branch, and 100 feet on all other designated tributaries, except as described in R 281.57.
 - (ii) The setback may be decreased 1 foot for every 1 foot rise in bank height to a minimum of 150 feet from the ordinary high-water mark on the mainstream, north branch and south branch, and to a minimum of 75 feet from the ordinary high-water mark on all other designated tributaries.

(iii) A dwelling shall be set back not less than 25 feet from the top of a bluff on the noncutting edge of a stream and not less than 50 feet from the top of a bluff on the cutting edge of a stream.

(iv) Building shall not take place on land that is subject to flooding or in any wetland area.

(v) The natural contour of the face and crest of the bluff shall not be altered.

(vi) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 150 feet from the ordinary high-water mark and not less than 100 feet from any surface or subsurface drain that discharges into the Au Sable river or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Au Sable river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, except the north branch and south branch, provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after August 15, 1990, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) On the mainstream, north branch and south branch, has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and at least 200 feet wide at the minimum building setback line.

(iii) On all other tributaries, has at least 150 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river, and at least 150 feet wide at the minimum building setback line.

(iv) Contains at least 50,000 square feet of area within the natural river district. Any "common area" created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river's edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(v) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(vi) A lot that exists on August 15, 1990, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after August 15, 1990, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river's edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Au Sable river natural river district, a natural vegetation strip that includes the river and all lands within 75 feet of the ordinary high-water mark shall be maintained on each side of the Au Sable river mainstream, north branch, and south branch. A restrictive cutting belt that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.180 Pine river system boundaries.

Rule 130. The boundaries of the Pine river natural river district shall be as described in these rules and as depicted on the certified Pine river natural river zoning map with an effective date of December 27, 2004. The Pine river natural river zoning district comprises an area that is described as follows:

(a) The Pine river mainstream, from the confluence of the North Branch Pine river and the East Branch Pine river in section 29, T20N, R10W to M-55.

(b) The north branch Pine river from its easternmost crossing of the north line of section 20, T21N, R9W to its confluence with the east branch Pine river. Lands adjacent to the north branch Pine river from its confluence with Spalding creek to its confluence with the east branch are subject to mainstream development standards in R 281.88.

(c) Spalding creek from 46 road in section 16, T21N, R10W to its confluence with the north branch Pine river.

(d) Fairchild creek from its source in section 13, T21N, R11W to its confluence with the north branch Pine river.

(e) Sixteen creek from its source in section 2, T20N, R10W to its confluence with the north branch Pine river.

(f) An unnamed stream from the outfall of a dam in section 8, T20N, R10W to its confluence with the Pine river.

(g) The east branch Pine river from the outfall of a lake in section 1, T20N, R10W to its confluence with the north branch Pine river.

(h) The Rose lake outlet from its sources at the outfall of Rose lake in section 3, T19N, R9W and the outfall of Emery lake in section 34, T20N, R9W, to its confluence with the east branch Pine river.

(i) Edgett creek from 190th road in section 36, T20N, R10W to its confluence with the Rose lake outlet including both branches of the Diamond lake outlet from their sources in section 26, T20N, R10W to the confluence with Edgett creek.

(j) An unnamed stream from its source in section 20, T20N, R9W to its confluence with the Rose lake outlet.

(k) Sprague creek from the outfall of a pond in the center of section 33, T20N, R10W to its confluence with the Pine river.

(l) Beaver creek from the north/south centerline of section 11, T19N, R10W to its confluence with the Pine river.

(m) Little Beaver creek from the outlet of a large pond in the northeast 1/4 of section 19, T19N, R10W to its confluence with Beaver creek.

(n) An unnamed stream from the outfall of the southernmost of two ponds in section 14, T19N, R11W to its confluence with the Pine river.

(o) Coe creek from the outfall of Lake Olga in section 1, T20N, R11W to its confluence with the Pine river.

(p) Dyer creek from the outfall of a small pond in section 13, T20N, R11W to its confluence with Coe creek.

(q) Sellars creek from its source in section 21, T20N, R11W to its confluence with the Pine river.

(r) An unnamed stream from its source in section 20, T20N, R11W to its confluence with the Pine river.

(s) An unnamed stream from its source in section 19, T20N, R11W to its confluence with the Pine river.

(t) An unnamed stream from its source in section 24, T20N, R12W to its confluence with the Pine river.

(u) Silver creek from its source in section 15, T20N, R11W to its confluence with the Pine river, including all perennial tributaries from their sources to their confluence with Silver creek.

(v) An unnamed stream from its source in section 13, T20N, R12W to its confluence with the Pine river.

(w) An unnamed stream from its source in section 11, T20N, R12W to its confluence with the Pine river.

(x) An unnamed stream from its source in section 7, T20N, R11W to its confluence with the Pine river.

(y) An unnamed stream from the west line of section 6, T20N, R11W to its confluence with the Pine river.

(z) Poplar creek from its source in section 26, T21N, R11W to its confluence with the Pine river.

(aa) Dowling creek from its 2 sources in sections 21 and 28, T21N, R11W to its confluence with Poplar creek.

(bb) Hoxey creek from its source in section 25, T21N, R12W to its confluence with the Pine river.

(cc) An unnamed creek from its sources in section 27 and 34, T21N, R12W to its confluence with the Pine river.

(dd) Yates creek from its source in section 22, T21N, R12W to its confluence with the Pine river.

(ee) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams, or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (dd) of this rule.

(ff) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (dd) of this rule.

R 281.181 Pine river system principal uses; natural vegetation strip; vegetative cutting within river channel.

Rule 131. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with all the following provisions:

(i) The minimum building setback not less than 150 feet from the ordinary high-water mark on the mainstream and the north branch Pine river from its confluence with Spalding creek to its confluence with the east branch Pine river and not less than 100 feet from the ordinary high-water mark on all other designated tributaries, except as described in R 281.57.

(ii) On the mainstream and the north branch Pine river from its confluence with Spalding creek to its confluence with the east branch Pine river the setback may be decreased 1 foot for every 1-foot rise in bank height to a minimum distance of 100 feet from the ordinary high-water mark. The reduction in setback does not apply until the bank height reaches 25 feet, at which point the reduction in setback is 25 feet.

(iii) On all other tributaries, the setback may be decreased 1 foot for every 1-foot rise in bank height to a minimum distance of 75 feet from the ordinary high-water mark. The reduction in setback does not apply until the bank height reaches 15 feet, at which point the reduction in setback is 15 feet.

(iv) A dwelling shall be set back not less than 50 feet from the crest of a bluff on the mainstream and the north branch Pine river from its confluence with Spalding creek to its confluence with the east branch Pine river, and not less than 25 feet from the crest of a bluff on all other designated tributaries.

(v) Building shall not take place on land that is subject to flooding or in any wetland area.

(vi) The natural contour of the face and crest of the bluff shall not be altered.

(vii) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Pine river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and not located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall be located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Pine river or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries, except the north branch of the Pine river from the confluence with Spalding creek to the confluence with the east branch of the Pine river, provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after December 27, 2004, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be

measured at the point of the parcel closest to the river, and at least 200 feet wide at the minimum building setback line.

(iii) Contains at least 1/2 acre of existing contiguous upland buildable area (non-wetland, non-floodplain) landward of the minimum building setback line.

(iv) Contains at least 80,000 square feet of area within the natural river district. Any “common area” created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river’s edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(v) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to the standards in this rule.

(vi) A lot that exists on December 27, 2004, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after December 27, 2004, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river’s edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Pine river natural river district, a natural vegetation strip that includes the river and all lands within 100 feet of the ordinary high-water mark shall be maintained on each side of the Pine river mainstream and the north branch Pine river from its confluence with Spalding creek to its confluence with the east branch Pine river. A restrictive cutting belt that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

(3) In the Pine river system upstream of the confluence of the north branch Pine river and the east branch Pine river and on all tributaries, vegetation in the stream channel shall not be disturbed except to alleviate flooding that threatens a dwelling. In the Pine river mainstream downstream of the confluence of the north branch Pine river and the east branch Pine river vegetation may be selectively pruned to allow for safe navigation and to alleviate flooding that threatens a dwelling. This may include pruning of a maximum 8-foot wide section of vegetation. Portions of trees, logs, and other natural material imbedded in the stream channel shall not be disturbed.

R 281.190 Upper Manistee river system boundaries.

Rule 140. The boundaries of the Upper Manistee river natural river district shall be as described in these rules and as depicted on the certified Upper Manistee river natural river zoning map with an effective date of December 27, 2004. The Upper Manistee river natural river zoning district comprises an area that is described as follows:

(a) The Manistee river mainstream from its sources in sections 1 and 12, T29N, R5W to the Wexford/Missaukee county line.

(b) Frenchman's creek from the Lake Elizabeth dam in section 30, T29N, R4W to its confluence with the Manistee river.

(c) Lost Lake outlet from the outfall of Lost lake in section 6, T28N, R4W to its confluence with the Manistee river.

(d) An unnamed stream from its source in section 13, T28N, R5W to its confluence with the Manistee river.

- (e) Goose creek from Cameron bridge road to its confluence with the Manistee river.
- (f) Portage creek from the control structure near the outfall of Lake Margrethe, section 8, T26N, R4W to its confluence with the Manistee river, including all braided channels.
- (g) All perennial tributaries to Portage creek from their sources to their confluence with Portage creek.
- (h) Clear creek from its source at Boiling springs in section 28, T26N, R5W to its confluence with the Manistee river.
- (i) Black creek from the outfall of south Black lake in section 21, T27N, R5W to its confluence with the Manistee river, including all braided channels.
- (j) All perennial tributaries to Black creek from their sources to their confluence with Black creek.
- (k) Dempsey creek from its source in section 19, T26N, R5W to its confluence with the Manistee river.
- (l) Big Devil creek from its source in section 18, T25N, R5W to its confluence with the Manistee river.
- (m) Big Cannon creek from its source in section 5, T24N, R5W to its confluence with the Manistee river.
- (n) The north branch Manistee river from county road 612 in section 3, T27N, R6W to its confluence with the Manistee river.
- (o) An unnamed stream from Tower road in section 25, T28N, R6W to its confluence with the north branch Manistee river.
- (p) Morrison creek from its source in section 28, T27N, R6W to its confluence with the north branch Manistee river.
- (q) Collar creek from its source in section 33, T27N, R6W to its confluence with Morrison creek.
- (r) Flowing Well creek from its sources in section 26, T27N, R6W to its confluence with Morrison creek.
- (s) All other perennial tributaries to the north branch Manistee river from their sources to their confluence with the north branch Manistee river.
- (t) Willow creek from its source in section 14, T26N, R7W to its confluence with the Manistee river.
- (u) Pierson creek from its source in section 12, T26N, R7W to its confluence with Willow creek.
- (v) Maple creek from its source in section 22, T26N, R7W to its confluence with the Manistee river.
- (w) Little Cannon creek from multiple sources in sections 29, 31 and 32, T25N, R6W to its confluence with the Manistee river.
- (x) Silver creek from its source in section 1, T24N, R7W to its confluence with Little Cannon creek.
- (y) Waterhole creek and all tributaries from their multiple sources in T25N, R7W to the confluence with the Manistee river.
- (z) Babcock creek from its sources in section 33, T25N, R7W to its confluence with the Manistee river.
- (aa) Filer creek from its source in section 4, T24N, R7W to its confluence with the Manistee river.
- (bb) Nelson creek from its sources in section 30, T25N, R7W to its confluence with the Manistee river.
- (cc) Spring creek from its sources in section 22, T25N, R8W to its confluence with the Manistee river.
- (dd) Bourne creek from its sources in section 29, T25N, R8W to its confluence with the Manistee River.
- (ee) Ham creek from its source in section 24, T24N, R8W to its confluence with the Manistee river, including two tributaries with sources in sections 3 and 9.
- (ff) Gravy creek from its source in section 5, T24N, R8W to its confluence with the Manistee river.
- (gg) Haynes creek from its source in section 31, T25N, R8W to its confluence with the Manistee river.
- (hh) Hopkins creek from its source in section 17, T23N, R7W to its confluence with the Manistee river.
- (ii) Fisher creek (also known as Hopkins creek on the United States Geological Survey topographic map) from its source in section 31, T25N, R8W to its confluence with the Manistee river.
- (jj) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams, or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (ii) of this rule.

(kk) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (jj) of this rule.

R 281.191 Upper Manistee river system principal uses; natural vegetation strip; vegetative cutting within river channel.

Rule 141 (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with all the following provisions:

(i) The minimum building setback shall be not less than 100 feet from the ordinary high-water mark on the mainstream and other designated tributaries, except as described in R 281.57.

(ii) A dwelling shall be set back not less than 50 feet from the crest of a bluff on the mainstream and not less than 25 feet from the crest of a bluff on designated tributaries.

(iii) Building shall not take place on land that is subject to flooding or in any wetland area.

(iv) The natural contour of the face and crest of the bluff shall not be altered.

(v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to the provisions of R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Upper Manistee river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and not located within a wetland area.

(iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Upper Manistee river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 75 feet from the river's edge on designated tributaries, provided no part of the system is in a wetland or the 100-year floodplain.

(vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after December 27, 2004, with the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 200 feet of river frontage, unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be

measured at the point of the parcel closest to the river, and at least 200 feet wide at the minimum building setback line.

(iii) Contains at least one-half acre of existing contiguous upland buildable area (non-wetland, non-floodplain) landward of the minimum building setback line.

(iv) Contains at least 80,000 square feet of area within the natural river district. Any “common area” created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river’s edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.

(v) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to the standards in this rule.

(vi) A lot that exists on December 27, 2004, shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Any lot created after December 27, 2004, shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to Rule 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river’s edge, subject to R 281.58.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Upper Manistee river natural river district, a natural vegetation strip that includes the river and all lands within 75 feet of the ordinary high-water mark on each side of the Upper Manistee river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to the provisions of R 281.57.

(3) On all designated tributaries, vegetation in the stream channel may not be disturbed except to alleviate flooding that threatens a dwelling. In the Upper Manistee river mainstream vegetation may be selectively pruned to allow for safe navigation and to alleviate flooding that threatens a dwelling. This may include pruning of a maximum 8-foot wide section of vegetation. Portions of trees, logs, and other natural material imbedded in the stream channel shall not be disturbed.

R 281.200 Two Hearted river system boundaries.

Rule 150. The boundaries of the Two Hearted river natural river district shall be as described in these rules and as depicted on the certified Two Hearted river natural river zoning map with the effective date of these rules. The Two Hearted river natural river zoning district comprises an area which is described as follows:

(a) The Two Hearted river from the confluence of the West Branch Two Hearted river and the north branch Two Hearted river in section 1, T48N, R11W to its mouth at Lake Superior.

(b) The north branch Two Hearted river from its source in section 20, T48N, R12W, to its confluence with the west branch Two Hearted river.

(c) Unnamed stream from its source in section 9, T48N, R12W, to its confluence with the north branch Two Hearted river.

(d) The west branch Two Hearted river from its source, including the west branch lakes, in sections 9 and 10, T48N, R12W, to its confluence with the north branch Two Hearted river.

(e) South branch Two Hearted river from its source, including Whorl pond, in section 4, T47N, R11W, to its confluence with the west branch Two Hearted river.

(f) Dawson creek from its source in section 25, T48N, R11W, to its confluence with the Two Hearted river.

(g) East branch Two Hearted river from its source in section 27, T48N, R10W, to its confluence with the Two Hearted river.

(h) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (g) of this rule.

(i) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (h) of this rule.

R 281.201 Two Hearted river system principal uses; natural vegetation strip.

Rule 151. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

(a) A single-family dwelling or short-term rental facility with all the following provisions:

(i) The minimum building setback shall be not less than 100 feet from the crest of an eroding river bank, not less than 75 feet from the crest of a non-eroding river bank that is greater than 20 feet above normal water levels, and not less than 100 feet from the crest of a non-eroding river bank that is less than 20 feet above normal water levels, except as described in R 281.57.

(ii) Building shall not take place on land that is subject to flooding or in any wetland area.

(iii) The natural contour of the face and crest of the river bank shall not be altered.

(iv) The land between the crest of the river bank and the minimum building setback line shall not be altered except for minor landscaping activities.

(b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.

(c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.

(d) One private river access stairway per parcel, subject to R 281.57.

(e) Utility lines to service a single-family dwelling or short-term rental facility.

(f) A disposal field, septic tank, and outhouse, with all the following provisions:

(i) A septic tank and disposal field meet local health department standards.

(ii) A disposal field located in conformance with the building setbacks outlined in subdivision (a) of this subrule and shall be not less than 100 feet from any surface or subsurface drain that discharges into the Two Hearted river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.

(iv) An outhouse shall be constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall be located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Two Hearted river or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after the effective date of these rules, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 330 feet of river frontage (unless a riverfront "common area" subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be

measured at the point of the parcel closest to the river) and is at least 330 feet wide at the minimum building setback line.

(iii) Contains at least 10 acres of area. Any “common area” created or any bottomlands shall not be used in any calculations related to minimum parcel area.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on the effective date of these rules shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Lots that are created after the effective date of these rules shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river’s edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Two Hearted river natural river district, a natural vegetation strip that includes the river and all lands within 100 feet of the ordinary high-water mark shall be maintained on each side of the Two Hearted river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.202 Rescinded.

R 281.203 Rescinded.

R 281.204 Rescinded.

R 281.205 Rescinded.

R 281.206 Rescinded.

R 281.207 Rescinded.

R 281.208 Rescinded.

R 281.209 Rescinded.

R 281.210 Lower Kalamazoo river system boundaries.

Rule 160. The boundaries of the lower Kalamazoo river natural river district shall be as described in these rules and as depicted on the certified lower Kalamazoo river natural river zoning map with the effective date of these rules. The lower Kalamazoo river natural river zoning district comprises an area which is described as follows:

(a) The mainstream of the lower Kalamazoo river from Calkins bridge dam at Lake Allegan in section 15, T2N, R14W to the east line of section 22, T3N, R16W including all channels of the mainstream (approximately 22 miles).

(b) Rabbit river from 36th street in section 30, T4N, R13W to its confluence with the Kalamazoo river.

(c) Bear creek from 36th street in section 19, T3N, R13W to its confluence with the Kalamazoo river.

(d) Sand creek from the M-89 bridge in section 3, T2N, R14W to its confluence the Kalamazoo river.

- (e) Swan creek from 112th avenue in section 5 T1N, R14W to its confluence with the Kalamazoo river.
- (f) Mann creek from 128th avenue in section 28, T3N, R15W to its confluence with the Kalamazoo river.
- (g) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (f) of this rule.
- (h) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (g) of this rule.

R 281.211 Lower Kalamazoo river system principal uses; natural vegetation strip.

Rule 161. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with all the following provisions:
 - (i) The minimum building setback shall be not less than 200 feet from the ordinary high-water mark on the mainstream and other designated tributaries, except as described in R 281.57. The setback may be decreased 3 feet for every 1 foot of rise in bank height to a minimum of 75 feet from the ordinary high-water mark.
 - (ii) A dwelling shall be set back not less than 50 feet from the crest of a bluff on the cutting edge of a stream and not less than 25 feet from the crest of a bluff on the noncutting edge of a stream.
 - (iii) Building shall not take place on land that is subject to flooding or in any wetland area.
 - (iv) The natural contour of the face and crest of the bluff shall not be altered.
 - (v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to R 281.57.
- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with all the following provisions:
 - (i) A septic tank and disposal field meet local health department standards.
 - (ii) A disposal field shall be located not less than 200 feet from the ordinary high-water mark and shall be not less than 50 feet from any surface or subsurface drain that discharges into the Lower Kalamazoo river or its designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) A septic tank shall not be closer to the river than the dwelling it serves and not located within a wetland area.
 - (iv) An outhouse constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, not located less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Lower Kalamazoo river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (v) An alternative on-site treatment system that results in a higher level of treatment than a conventional system may be located not less than 50 feet from the river's edge on designated tributaries.
 - (vi) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high-water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high-groundwater table.
 - (vii) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.
- (g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after the effective date of these rules, with all the following provisions:

- (i) Is accessible by a public road or legal easement on at least 1 side of the stream.
- (ii) Has at least 150 feet of river frontage (unless a riverfront “common area” subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river) and is at least 150 feet wide at the minimum building setback line.
- (iii) Contains at least 50,000 square feet of area in the natural river district. Any “common area” created or any bottomlands shall not be used in any calculations related to minimum parcel area. If a parcel does not have river frontage, and the front line of the parcel is greater than 150 feet from the river’s edge at all points, this subdivision does not apply, and the minimum parcel width will be measured at the front lot line.
- (iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on the effective date of these rules shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Lots that are created after the effective date of these rules shall meet the minimum requirements of this rule, except as provided in R 281.56.

- (i) Home occupations and home-based occupations, subject to R 281.57.
- (j) Land alteration, subject to R 281.57.
- (k) Bridges, subject to Rule 281.58.
- (l) Forest management activities within the natural vegetation strip, subject to R 281.57.
- (m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river’s edge, subject to R 281.57.
- (n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the lower Kalamazoo river natural river district, a natural vegetation strip that includes the river and all lands within 50 feet of the ordinary high-water mark shall be maintained on each side of the lower Kalamazoo river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.212 Rescinded.

R 281.213 Rescinded.

R 281.214 Rescinded.

R 281.220 Fox river system boundaries.

Rule 170. The boundaries of the Fox river natural river district shall be as described in these rules and as depicted on the certified Fox river natural river zoning map with the effective date of these rules. The Fox river natural river zoning district comprises an area described as follows:

- (a) All channels of the Fox river mainstream from its source above Casey lake in section 21, T48N, R14W to the confluence with the Lake Branch of the Manistique river in section 25, T45N, R13W.
- (b) Casey creek from its source in section 20, T48N, R14W, to its confluence with the Fox river.
- (c) West branch from the confluence of Pelican creek in section 26, T48N, R15W, section 26) to its confluence with the Fox river.
- (d) Spring ponds (2), 1 mile below the west branch of the Fox river in section 16, T47N, R14W.
- (e) Little Fox from the outlet of Stanley lake in section 11 T47N, R15W to its confluence with the Fox river.

- (f) Hudson creek from its sources in sections 2 and 11, T46N, R14W to its confluence with the Fox river (all channels).
- (g) East Branch from its source above the reservoir in section 1, T47N, R14W to its confluence with the mainstream.(all channels)
- (h) Clear creek from its sources in sections 15 and 22, T47N, R13W to its confluence with the east branch Fox river.
- (i) Camp Seven creek from its source in section 30, T47N, R13W to its confluence with the east branch Fox river.
- (j) Cold creek from its sources in sections 3 and 10, T46N, R13W to its confluence with the east branch (all channels) Fox river.
- (k) Spring creek from its source at Spring creek pond in section 7, T46N, R12W to its confluence with Cold creek.
- (l) Deer creek from its sources in sections 17 and 18, T46N, R12W and in section 13, T46N, R13W to its confluence with the east branch (all channels) Fox river.
- (m) Bev creek from its source in section 21, T46N, R12W to its confluence with the east branch Fox river.
- (n) All lakes, ponds, impoundments or other surface water bodies not traditionally considered rivers, streams or creeks if they are a contiguous part of the stream segments listed in subdivisions (a) to (m) of this rule.
- (o) The lands lying within 400 feet of the river's edge as described in subdivisions (a) to (n) of this rule.

R 281.221 Fox river system principal uses; natural vegetation strip.

Rule 171. (1) A principal use is allowed by right, but requires the issuance of a zoning permit by the zoning administrator. A principal use includes all of the following:

- (a) A single-family dwelling or short-term rental facility with all the following provisions:
 - (i) The minimum building setback shall be not less than 100 feet from the ordinary high-water mark on the mainstream and other designated tributaries, except as described in R 281.57.
 - (ii) A dwelling shall be set back not less than 50 feet from the crest of a bluff.
 - (iii) Building shall not take place on land that is subject to flooding or in any wetland area.
 - (iv) The natural contour of the face and crest of the bluff shall not be altered.
 - (v) The land between the crest of the bluff and the minimum building setback line shall not be altered except for minor landscaping activities.
- (b) Accessory buildings and appurtenances that meet the setback and other development requirements of subdivision (a) of this subrule.
- (c) One private boat dock per parcel, unless otherwise provided for in these rules, subject to R 281.57.
- (d) One private river access stairway per parcel, subject to R 281.57.
- (e) Utility lines to service a single-family dwelling or short-term rental facility.
- (f) A disposal field, septic tank, and outhouse, with all the following provisions:
 - (i) A septic tank and disposal field meet local health department standards.
 - (ii) A disposal field located not less than 150 feet from the ordinary high-water mark and not less than 50 feet from any surface or subsurface drain that discharges into the Fox river or its designated tributaries, and not located within the 100-year floodplain, a wetland area, or the natural vegetation strip.
 - (iii) A septic tank shall not be closer to the river than the dwelling it serves and shall not be located within a wetland area.
 - (iv) An outhouse shall be constructed using a watertight waste containment system that allows waste to be pumped and hauled to an appropriate disposal site, shall be located not less than 100 feet from the ordinary high-water mark and any surface or subsurface drain that discharges into the Fox river or its

designated tributaries, and shall not be located within the 100-year floodplain, a wetland area, or the natural vegetation strip.

(v) Drywells and earth privies are not permitted unless authorized by the local health department, are a minimum of 100 feet from the ordinary high water mark, and the bottom of the pit or seepage bed is at least 4 feet above the seasonal high groundwater table.

(vi) Disposal of sludge from any wastewater treatment system is prohibited in the natural river district.

(g) Mining and extracting industries, if all land disturbances, structures, and other activities related to the industry are located more than 300 feet from the ordinary high-water mark.

(h) A land division, if any lot created after the effective date of these rules, with all the following provisions:

(i) Is accessible by a public road or legal easement on at least 1 side of the stream.

(ii) Has at least 330 feet of river frontage (unless a riverfront “common area” subject to a conservation easement is established, or a parcel does not have river frontage, in which case this dimension shall be measured at the point of the parcel closest to the river) and is at least 330 feet wide at the minimum building setback line.

(iii) Contains at least 5 acres of area. Any “common area” created or any bottomlands shall not be used in any calculations related to minimum parcel area.

(iv) Has sufficient depth and upland area to accommodate the required building setbacks pursuant to this rule.

(v) A lot that exists on the effective date of these rules shall not be subdivided or reduced in dimension or area below the minimum requirements of this rule. Lots that are created after the effective date of these rules shall meet the minimum requirements of this rule, except as provided in R 281.56.

(i) Home occupations and home-based occupations, subject to R 281.57.

(j) Land alteration, subject to R 281.57.

(k) Bridges, subject to R 281.58.

(l) Forest management activities within the natural vegetation strip, subject to R 281.57.

(m) A boardwalk that meets the minimum building setback requirements in this subdivision and a boardwalk associated with a footpath to the river’s edge, subject to R 281.57.

(n) Bank stabilization and fisheries habitat improvement activities, subject to R 281.57.

(2) Within the Fox river natural river district, a natural vegetation strip that includes the river and all lands within 100 feet of the ordinary high-water mark shall be maintained on each side of the Fox river mainstream and all designated tributaries. Cutting in the natural vegetation strip is subject to R 281.57.

R 281.222 Rescinded.

R 281.223 Rescinded.

R 281.224 Rescinded.

R 281.225 Rescinded.

R 281.226 Rescinded.

R 281.227 Rescinded.

R 281.228 Rescinded.

R 281.229 Rescinded.

R 281.230 Rescinded.

R 281.231 Rescinded.

R 281.232 Rescinded.

R 281.233 Rescinded.

R 281.234 Rescinded.

R 281.251 Rescinded.

R 281.252 Rescinded.

R 281.253 Rescinded.

R 281.254 Rescinded.

R 281.255 Rescinded.

R 281.256 Rescinded.

R 281.257 Rescinded.

R 281.258 Rescinded.

R 281.259 Rescinded.

R 281.260 Rescinded.

R 281.261 Rescinded.

R 281.262 Rescinded.

R 281.263 Rescinded.

R 281.264 Rescinded.

R 281.271 Rescinded.

R 281.272 Rescinded.

R 281.273 Rescinded.

R 281.274 Rescinded.

R 281.275 Rescinded.

R 281.276 Rescinded.

R 281.277 Rescinded.

R 281.278 Rescinded.

R 281.279 Rescinded.

R 281.280 Rescinded.

R 281.281 Rescinded.

R 281.282 Rescinded.

R 281.283 Rescinded.

R 281.284 Rescinded.

R 281.321 Rescinded.

R 281.322 Rescinded.

R 281.323 Rescinded.

R 281.281 Rescinded.

R 281.325 Rescinded.

R 281.326 Rescinded.

R 281.327 Rescinded.

R 281.328 Rescinded.

R 281.329 Rescinded.

R 281.330 Rescinded.

R 281.331 Rescinded.

R 281.332 Rescinded.

R 281.333 Rescinded.

R 281.334 Rescinded.

R 281.341 Rescinded.

R 281.342 Rescinded.

R 281.343 Rescinded.

R 281.344 Rescinded.

R 281.345 Rescinded.

R 281.346 Rescinded.

R 281.347 Rescinded.

R 281.348 Rescinded.

R 281.349 Rescinded.

R 281.350 Rescinded.

R 281.351 Rescinded.

R 281.352 Rescinded.

R 281.353 Rescinded.

R 281.354 Rescinded.

R 281.355 Rescinded.

R 281.361 Rescinded.

R 281.362 Rescinded.

R 281.363 Rescinded.

R 281.364 Rescinded.

R 281.365 Rescinded.

R 281.366 Rescinded.

R 281.367 Rescinded.

R 281.368 Rescinded.

R 281.369 Rescinded.

R 281.370 Rescinded.

R 281.371 Rescinded.

R 281.372 Rescinded.

R 281.373 Rescinded.

R 281.374 Rescinded.

R 281.375 Rescinded.

R 281.381 Rescinded.

R 281.382 Rescinded.

R 281.383 Rescinded.

R 281.384 Rescinded.

R 281.385 Rescinded.

R 281.386 Rescinded.

R 281.387 Rescinded.

R 281.388 Rescinded.

R 281.389 Rescinded.

R 281.390 Rescinded.

R 281.391 Rescinded.

R 281.392 Rescinded.

R 281.393 Rescinded.

R 281.394 Rescinded.

R 281.395 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION CODE

Filed with the Secretary of State on September 19, 2013

These rules take effect 120 days after filing with the Secretary of State

(By authority conferred on the director of the department of licensing and regulatory affairs by section 4 of 1972 PA 230, MCL 125.1504, and Executive Reorganization Order Nos. 2003-1, 2008-4 and 2011-4 MCL 445.2011, 445.2025, and 445.2030)

R 408.30701, R 408.30711, R 408.30715, R 408.30717, R 408.30719, R 408.30720, R 408.30721, R 408.30722, R 408.30723, R 408.30724, R 408.30725c, R 408.30728, R 408.30741c, R 408.30749, R 408.30753a, R 408.30754a, R 408.30754b, R 408.30757, R 408.30758, R 408.30786, R 408.30791 and R 408.30792 of the Michigan Administrative Code are amended, R 408.30763a and R 408.30757a are added to the Code as follows:

PART 7. PLUMBING CODE

AMENDMENTS AND ADDITIONS TO BASIC PLUMBING CODE

R 408.30701 Applicable code.

Rule 701. Rules governing the installation, replacement, alteration, relocation, and use of plumbing systems or plumbing materials shall be those contained in the international plumbing code, 2012 edition, including appendices B, C, D, and F, except for sections 102.10, 102.11, 103.4, 106.6.1, 106.6.2, 106.6.3, 107.2.5, 107.2.5.1, 107.2.5.2, 107.2.5.3, 109.2 to 109.7, 312.1.1, 602.3 to 602.3.5.1, 608.17 to 608.17.8, 708.3.2, 708.3.6, 712.3.3.1, 712.3.3.2, 1106.6, 1301 to 1303.10 and tables 1106.2(2) and 1106.6. With the exceptions noted, the code is adopted in these rules by reference. All references to the International Building Code, International Residential Code, International Energy Conservation Code, International Electrical Code, International Mechanical Code, and International Plumbing Code mean the Michigan Building Code, Michigan Residential Code, Michigan Uniform Energy Code, Michigan Electrical Code, Michigan Mechanical Code, and Michigan Plumbing Code respectively. The code is available for inspection at the Okemos office of the Michigan department of licensing and regulatory affairs, bureau of construction codes. The code may be purchased from the International Code Council, 500 New Jersey Avenue, N.W., 6th Floor, Washington, D.C. 20001, or from the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan 48864, at a cost as of the time of adoption of these rules of \$71.00 each.

R 408.30711 Title and scope.

Rule 711. Sections 101.1 and 101.2 of the code are amended to read as follows:

101.1. Title. This part shall be known as the Michigan plumbing code and is hereinafter referred to as “the plumbing code” or “the code.” This part shall control all matters concerning the installation, replacement, alteration, relocation, and use of plumbing systems or plumbing materials as herein defined and shall apply to existing or proposed buildings and structures in the state.

101.2. Scope. The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, medical gas systems, water supplies, water service, and storm water and sewage disposal in and exiting buildings, shall comply with the requirements of the code. The design and installation of gas piping, chilled water piping in connection with refrigeration process and comfort cooling, and hot water piping in connection with building heating systems shall conform to the Michigan mechanical code. The design and installation of all fire sprinkler systems and standpipe systems shall conform to the Michigan building code. Water and drainage connections to such installations shall be made in accordance with the requirements of the code.

Exception: Detached 1-and 2-family dwellings and multiple single-family dwellings (townhouses) not more than 3 stories high with separate means of egress and their accessory structures shall comply with the Michigan residential code.

R 408.30715 Permits.

Rule 715. Sections 106.4, 106.5.3, and 106.5.4 of the code are amended to read as follows:

106.4. By whom application is made.

(1) Application for a permit shall be made by a plumbing contractor licensed in accordance with 2002 PA 733, MCL 338.3511 to 338.3569.

Exceptions:

1. Water service permits.
2. Building sewer and private sewer permits.
3. Minor repair.

(2) A plumbing contractor shall do both of the following:

(a) Be active in the business of serving the public as a plumbing contractor in a county, city, village, or township in this state.

(b) Operate 1 or more branches in this state bearing the same firm name, where a licensed master plumber is in charge and has the responsibility of supervision at each branch. The names of the authorized master plumbers representing a firm shall be on record with the state plumbing board.

(3) To become a plumbing contractor, an applicant shall file an application on a form furnished by the state plumbing board and file with the board at Okemos, Michigan. An incomplete application will be returned to the applicant.

106.5.3. Expiration. Each permit issued by the code official under the provisions of the code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work may be recommenced, the permit shall be reinstated if the code has not changed. If the code has changed and the work was not started, a new permit shall be first obtained for such work, provided no changes have been made or will be made in the original construction document for such work and provided further that such suspension or abandonment has not exceeded 1 year.

106.5.4. Extensions. Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. No permit shall be extended more than once.

R 408.30717 Duties and powers of code official.

Rule 717. Section 104.1 of the code is amended to read as follows:

104.1 General. The code official shall enforce all of the provisions of the code and shall act on any question relative to the installation, alteration, repair, maintenance, or operation of all plumbing systems, devices, and equipment except as specifically provided for by statutory requirements or as provided for in sections 104.3 to 104.7.

R 408.30719 Stop work orders.

Rule 719. Section 108.5 of the code is amended to read as follows:

108.5. Stop work orders. Notice shall be in accordance with the act. A person who is served with a stop work order, except for work that the person is directed to perform to remove a violation or unsafe condition is subject to the penalty provisions prescribed by the act.

R 408.30720 Means of appeal.

Rule 720. Section 109.1 of the code is amended to read as follows:

109.1 Means of appeal. An interested person may appeal a decision of the enforcing agency to the board of appeals in accordance with the act. An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed. The decision of a local board of appeals may be appealed to the construction code commission in accordance with the act and time frames.

R 408.30721 Required tests.

Rule 721. Section 312.1 of the code is amended and section 312.3 is added to read as follows:

312.1. Required tests. The permit holder shall make the applicable tests prescribed in sections 312.2 to 312.10.2 to determine compliance with the code. The permit holder shall give reasonable advance notice to the code official when the plumbing work is ready for testing. The equipment, material, power, and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in this rule. All plumbing system piping shall be tested with either water or, for piping systems other than plastic, by air. After the plumbing fixtures have been set and their traps filled with water, the entire drainage system shall be submitted to final tests. The code official shall require the removal of any cleanouts if necessary to ascertain if the pressure has reached all parts of the system.

Exception: Drainage and vent low pressure air tests for plastic piping systems shall be acceptable as prescribed in section 312.3 of the code.

312.3 Drainage and vent air test. An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5 kPa) or sufficient to balance a 10-inch (254 mm) column of mercury. This pressure shall be held for a test period of not less than 15 minutes. Any adjustments to the test pressure required because of changes in ambient temperatures or the seating of gaskets shall be made before to the beginning of the test period.

R 408.30722 Separate facilities.

Rule 722. Section 403.2 of the code is amended to read as follows:

403.2. Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for private facilities.

2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.

3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or fewer.

R 408.30723 Distance of trap from vent.

Rule 723. Section 909.1 of the code is amended to read as follows:

909.1 Distance of trap from vent. Each fixture trap shall have a protecting vent located so that the slope and the developed length in the fixture drain from the trap weir to the vent fitting are within the requirements in table 909.1.

R 408.30724 Piping.

Rule 724. Section 1114.1.4 of the code is amended to read as follows:

1114.1.4. Discharge piping shall meet the requirements of section 1102.2, 1102.3, or 1102.4 and shall include a gate valve and a full flow check valve. Pipe and fittings shall be the same size as, or larger than, pump discharge tapping.

R 408.30725c Venting of fixture drains.

Rule 725c. Section 909.2 of the code is amended to read as follows:

909.2. Venting of fixture drains. The vent for a fixture drain, except where serving a fixture with integral traps, such as water closets, shall connect above the weir of the fixture trap being vented. The total slope shall not exceed the diameter of the fixture drain.

R 408.30728 Sewer depth.

Rule 728. Section 305.4.1 of the code is amended to read as follows:

305.4.1. Sewer depth. A building sewer that connects to a private disposal system shall be a minimum of 8 inches (203 mm) to the top of the pipe below finished grade at the point of septic tank connection. Building sewers shall be installed a minimum of 42 inches (1067 mm) below grade.

Exception: When permitted by the code official.

R 408.30741c Connections to automatic fire sprinkler systems and standpipe systems.

Rule 741c. Section 608.16.4 of the code is amended to read as follows:

608.16.4. Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by a double check backflow prevention assembly, a double check fire protection backflow prevention assembly, or a reduced pressure principle fire protection backflow prevention assembly.

Exception: Isolation of the water distribution system is not required for deluge, preaction, or dry pipe systems.

R 408.30749 Special equipment; water supply protection.

Rule 749. Section 608.3.1 of the code is amended to read as follows:

608.3.1. Special equipment; water supply protection. The water supply for hospital fixtures shall be protected against backflow with a reduced pressure principle backflow prevention assembly, an atmospheric or spill-resistant vacuum breaker assembly, or an air gap. Vacuum breakers for bedpan washer hoses, autopsy tables, and hose connections in health care or laboratory areas shall not be located less than 6 feet (1829 mm) above the floor.

R 408.30753a Roof extensions.

Rule 753a. Section 903.1 of the code is amended to read as follows:

903.1. Roof extension. All open vent pipes that extend through a roof shall be terminated at least 1 foot (305 mm) above the roof, except that if a roof is to be used for any purpose other than weather protection, then the vent extensions shall be run not less than 7 feet (2134 mm) above the roof.

R 408.30754a Frost Closure.

Rule 754a. Section 903.2 of the code is amended to read as follows:

Section 903.2. Frost Closure. To prevent frost closure, every vent extension through a roof shall be a minimum of 3 inches (76 mm) in diameter. Any increase in the size of the vent shall be made inside the building a minimum of 1 foot (305 mm) below the roof or inside the wall.

R 408.30754b Extensions outside a structure.

Rule 754b. Section 903.7 of the code is amended to read as follows:

903.7. Extensions outside a structure. Vent pipes installed on the exterior of the structure shall be protected against freezing by insulation or heat, or both.

R 408.30757 Horizontal drains within building and building sewers.

Rule 757. Section 708.3 and 708.3.1. of the code is amended to read as follows:

708.3 Where required. Cleanouts shall be located in accordance with sections 708.3.1, 708.3.3 to 708.3.5.

708.3.1. Horizontal drains within buildings and building sewers. All horizontal drains within buildings and building sewers shall be provided with cleanouts located not more than 100 feet (30 480 mm) apart.

For underground piping that is more than 10 inches in diameter, manholes shall be provided and located at every major change of direction, grade, elevation, or size of pipe or at intervals of not more than 400 feet (12 1920 mm). Metal covers shall be provided for the manholes and shall be of sufficient weight to meet local traffic and loading conditions.

Within buildings, manhole covers shall be gastight and the manhole shall be vented with not less than a 4-inch (102 mm) pipe.

R 408.30757a Discharge pipe and fittings.

Rule 757a. Section 712.3.3 of the code is added to read as follows:

712.3.3. Discharge pipe and fittings. Discharge piping and fittings shall be constructed of approved materials.

R 408.30758 Minimum number of fixtures.

Rule 758. Sections 403.1 and 403.3.1 and Table 403.1 of the code are amended to read as follows:

403.1. Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number shown in Table 403.1. Types of occupancies not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined in accordance with the Michigan building code. Occupancy classification shall be determined in accordance with the Michigan building code.

Exceptions:

1. The actual number of occupants determined by a supporting affidavit from the owner or agency.
2. Hand washing sinks in food service establishments shall be provided in accordance with regulation no. 553, food establishments, R 285.553.1 to R 285.553.26 of the Michigan department of agriculture.
3. Toilet facilities for public swimming pools shall be provided in accordance with public swimming pools, R 325.2111 to R 325.2199 of the Michigan department of environmental quality.

4. Toilet facilities for child care center, day care center, and nursery school facilities shall be provided in accordance with child day care licensing – child care centers, R 400.5101 to R 400.5940 of the Michigan department of human services.

5. Toilet facilities for children's camps shall be provided in accordance with children's and adult foster care camps, R 400.11101 to R 400.11319 of the Michigan department of human services.

403.3.1. Access. The route to the public toilet facilities required by section 403.3 shall not pass through kitchens, storage rooms, or closets. Access to the required facilities shall be from within the building. All routes shall comply with the accessibilities requirements of the Michigan building code. The public shall have access to the required toilet facilities at all times that the building is occupied.

TABLE 403.1
 MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES^a
 (See Sections 403.1.1 and 403.2)

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/ SHOWERS	DRINKING FOUNTAIN ^{e,f} (SEE SECTION 410.1)	OTHER
				MALE	FEMALE	MALE	FEMALE			
1	Assembly	A-1 ^d	Theaters and other buildings for the performing arts and motion pictures	1 per 125	1 per 65	1 per 200			1 per 500	1 service sink
		A-2 ^d	Nightclubs, bars, taverns, dance halls and buildings for similar purposes	1 per 40	1 per 40	1 per 75			1 per 500	1 service sink
			Restaurants, banquet halls and food courts	1 per 75	1 per 75	1 per 200			1 per 500	1 service sink
		A-3 ^d	Auditoriums without permanent seating, art galleries, exhibition halls, museums, lecture halls, libraries, arcades and gymnasiums	1 per 125	1 per 65	1 per 200			1 per 500	1 service sink

		Passenger terminals and transportation facilities	1 per 500	1 per 500	1 per 750			1 per 1,000	1 service sink
		Places of worship and other religious services.	1 per 150	1 per 75	1 per 200			1 per 1,000	1 service sink
	A-4	Coliseums, arenas, skating rinks, pools and tennis courts for indoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 60 for the remainder exceeding 1,520	1 per 200	1 per 150		1 per 1,000	1 service sink
	A-5	Stadiums, amusement parks, bleachers, and grandstands for outdoor sporting events and activities	1 per 75 for the first 1,500 and 1 per 120 for the remainder exceeding 1,500	1 per 40 for the first 1,520 and 1 per 120 for the remainder exceeding 1,520	1 per 200	1 per 150		1 per 1,000	1 service sink
	A-5	Outdoor educational and municipal venues no larger than 3,000 spectators	1 per 125	1 per 65	1 per 200	1 per 150		1 per 1,000	1 service sink

2	Business	B	Buildings for the transaction of business, professional services, other services involving merchandise, office buildings, banks, light industrial, and similar uses	1 per 25 for the first 50 and 1 per 50 for the remainder exceeding 50	1 per 40 for the first 80 and 1 per 80 for the remainder exceeding 80		1 per 100	1 service sink ^g
3	Educational	E	Educational facilities	1 per 50	1 per 50		1 per 100	1 service sink
4	Factory industrial and	F-1 and F-2	Structures in which occupants are engaged in work fabricating, assembly, or processing of products or materials	1 per 100	1 per 100	(see Section 411)	1 per 400	1 service sink
5	Institutional	I-1	Residential care	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
		I-2	Hospitals, ambulatory nursing home patients, care recipient	1 per room c	1 per room c	1 per 15	1 per 100	1 service sink per floor
			Employees, other than residential care ^b	1 per 25	1 per 35		1 per 100	

			Visitors, other than residential care	1 per 75	1 per 100		1 per 500	
		I-3	Prisons ^b	1 per cell	1 per cell	1 per 15	1 per 100	1 service sink
			Reformatories, detention centers, and correctional centers ^b	1 per 15	1 per 15	1 per 15	1 per 100	1 service sink
			Employees ^b	1 per 25	1 per 35	-	1 per 100	-
		I-4	Adult day care and child care	1 per 15	1 per 15	1	1 per 100	1 service sink

NO.	CLASSIFICATION	OCCUPANCY	DESCRIPTION	WATER CLOSETS (URINALS SEE SECTION 419.2)		LAVATORIES		BATHTUBS/SHOWERS	DRINKING FOUNTAIN ^{e,f} (SEE SECTION 410.1)	OTHER
				MALE	FEMALE	MALE	FEMALE			
6	Mercantile	M	Retail stores, service stations, shops, salesrooms, markets, and shopping centers	1 per 500		1 per 750		-	1 per 1000	1 service sink ^g
7	Residential	R-1	Hotels, motels, boarding houses (transient)	1 per sleeping unit		1 per sleeping unit		1 per sleeping unit		1 service sink

	R-2	Dormitories, fraternities, sororities, and boarding houses (not transient)	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
	R-2	Apartment house	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer connection per 20 dwelling units
	R-3	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink
	R-3	One- and two-family dwellings	1 per dwelling unit	1 per dwelling unit	1 per dwelling unit	-	1 kitchen sink per dwelling unit; 1 automatic clothes washer per dwelling unit
	R-4	Congregate living facilities with 16 or fewer persons	1 per 10	1 per 10	1 per 8	1 per 100	1 service sink

8	Storage ^{eh}	S-1 S-2	Structures for the storage of goods, warehouses, storehouse, and freight depots. Low and Moderate Hazard	1 per 100	1 per 100	See Section 411	1 per 1,000	1 service sink
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- a. The fixtures shown are based on 1 fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the *International Building Code*.
- b. Toilet facilities for employees shall be separate from facilities for inmates or patients.
- c. A single-occupant toilet room with 1 water closet and one lavatory serving not more than 2 adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient room and with provisions for privacy.
- d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
- e. The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the International Building Code.
- f. Drinking fountains are not required for an occupant load of 15 or fewer.
- g. For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.
- h. Structures not designed for occupants or as an employee's regular working area, are not required to have toilet facilities.

R 408.30763a Tempered water for public hand-washing facilities.

Rule 763a. Section 416.5 is added to the code to read as follows:

416.5. Tempered water for public hand-washing facilities. Tempered water shall be delivered from lavatories and group wash fixtures located in public toilet facilities in accordance with section 607.1. Tempered water shall be delivered through an approved water-temperature limiting device that conforms to ASSE 1070 or CSA B125.3.

R 408.30786 Sizing of secondary drains.

Rule 786. Section 1108.3 of the code is amended to read as follows:

1108.3. Sizing of secondary drains. Secondary, or emergency, roof drain systems shall be sized in accordance with section 1106 based on the rainfall rate for which the primary system is sized in tables 1106.2 and 1106.3. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (102 mm). The flow through the primary system shall not be considered when sizing the secondary roof drain system.

R 408.30791 Definitions.

Rule 791. Section 202 of the code is amended to amend the definition of code official and add the definitions of the act and plumbing contractor.

“Act” means 1972 PA 230, MCL 125.1501 and known as the Stille-DeRossett-Hale single state construction code act.

“Code official” means the person appointed and employed by a governmental subdivision charged with the administration and enforcement of the state code or codes and registered in accordance with the requirements of 1986 PA 54, MCL 338.2301 to 338.2313.

“Plumbing contractor” means a person who is licensed in accordance with 2002 PA 733, MCL 338.3511 to 338.3569.

“Plumbing systems” includes the water distribution pipes; plumbing fixtures and traps; water-treating or water-using equipment; soil, waste, and vent pipes; and building drains; in addition to their respective connections, devices and appurtenances with a structure or premises; and water services, sanitary and storm sewers serving such structure or premises.

R 408.30792 Food utensils, dishes, pots and pans sinks.

Rule 792. Section 802.1.8 of the code is amended to read as follows:

802.1.8. Food utensils, dishes, pots and pans sinks. Sinks used for the washing, rinsing, or sanitizing of utensils, dishes, pots, pans, or service ware where used in the preparation, serving, or eating of food shall discharge indirectly through an air gap or an air break to the drainage system.

Exception: When required, a hydromechanical grease interceptor connected to the washing sink or wash compartment shall be directly connected to the drainage system.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on September 17, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.43205, R 408.43206, R 408.43208, R 408.43212, R 408.43214, and R 408.43216 of the Michigan Administrative Code are amended, and R 408.43203 of the Code is rescinded as follows:

PART 32. AERIAL WORK PLATFORMS

R 408.43203 Rescinded.

R 408.43205 Construction.

Rule 3205. (1) Aerial work platforms shall be designed, constructed, and tested so as to be in compliance with the requirements of the following applicable American national standards institute standards:

- (a) ANSI standard A92.2, 2002 edition, "Vehicle-Mounted Elevating and Rotating Aerial Devices."
- (b) ANSI standard A92.3, 2006 edition, "Manually Propelled Elevating Aerial Platforms."
- (c) ANSI standard A92.5, 2006 edition, "Boom-Supported Elevating Work Platforms."
- (d) ANSI standard A92.6, 1999 edition, "Self-Propelled Elevating Work Platforms."

These standards are adopted by reference in R 408.43204a.

(2) Aerial work platforms shall not be field-modified for uses other than those intended by the manufacturer, unless the modification has been certified in writing by the manufacturer or by any other equivalent entity, such as a nationally recognized testing laboratory, to be in compliance with the applicable ANSI standard and this rule, and to be at least as safe as the equipment was before modification.

(3) Aerial work platforms shall be equipped with emergency controls at ground level.

(4) Emergency ground level controls shall be clearly marked as to their intended function and be capable of overriding the platform controls.

(5) Attachment points shall be provided for fall protection devices for personnel who occupy the platform on aerial work platforms described in R 408.43202 (a) and (c). (See figures 1 and 3).

R 408.43206 Insulated aerial device testing.

Rule 3206. If the aerial work platform is rated and used as an insulated aerial device, an employer shall test the electrical insulating components for compliance with the rating of the aerial work platform in accordance with ANSI standard A92.2, 2002 edition, which is adopted in R 408.43204a. Such testing shall comply with all of the following provisions:

- (a) The test shall be performed not less than annually.
- (b) Written, dated, and signed test reports shall be made available by the employer for examination by a department representative.
- (c) The insulated portion of an aerial device shall not be altered in any manner that might reduce its insulating value.

R 408.43208 Preoperational procedures.

Rule 3208. (1) The employer shall ensure before the commencement of operations near power lines and when the clearances cannot be maintained as specified in Tables 1-3, that the owner, owner representative, or utility are notified with all pertinent information about the job.

(2) Any overhead wire shall be considered to be an energized line until the owner of the line, his or her authorized representative, or a utility representative assures either of the following:

- (a) The line is de-energized and has been visibly grounded.
- (b) The line is insulated for the system voltages and the task will not compromise the insulation of the conductor and/or cause an electrical hazard.

R 408.43212 Vehicles; traffic control.

Rule 3212. (1) Before moving a vehicle supporting an aerial ladder for highway travel, employees shall secure ladders in the lower position and shall use the manually operated device at the base of the ladder, or other effective means to prevent elevation or rotation of the ladder.

(2) Before moving a vehicle supporting an aerial lift for travel, employees shall inspect the boom to ensure that it is properly cradled and the outriggers are in the stowed position, except as provided in subrule (3) of this rule.

(3) When a boom is elevated with employees in working position, the vehicle supporting an aerial device shall not be moved unless the equipment is specifically designed for this type of operation and meets the requirements of R 408.43205.

(4) An employer shall ensure that operators of an aerial work platform over or adjacent to any public or private roadway maintain adequate clearances of all portions of the aerial work platform to prevent being struck by vehicular traffic.

(5) When aerial work platforms are in use, all traffic control requirements shall be in compliance with Part 6 of the 2011 Michigan Manual on Uniform Traffic Control Devices (MMUTCD), which is adopted in R 408.43204a, and Construction Safety Part 22. Signals, Signs, Tags, and Barricades, as referenced in R 408.43204a.

R 408.43214 Fall protection.

Rule 3214. (1) The employer shall provide a safety harness that has a lanyard which is in compliance with construction safety standard Part 45. "Fall Protection," R 408.44501 to R 408.44502 and which is affixed to attachment points provided and approved by the manufacturer. Any occupant of an aerial work platform described in the provisions of R 408.43202(a) and (c) and figures 1 and 3 shall use the harness. A fall arrest system shall only be used where the aerial lift is designed to withstand the vertical and lateral loads caused by an arrested fall.

(2) An employee may use a body belt with a restraint device with the lanyard and the anchor arranged so that the employee is not exposed to any fall distance. An employee shall use a restraint device where the aerial lift cannot withstand the vertical and lateral loads imposed by an arrested fall.

(3) An employee shall be prohibited from belting off to an adjacent pole, structure, or equipment while working from an aerial work platform.

(4) An employer shall not allow employees to exit an elevated aerial work platform, except where elevated work areas are inaccessible or hazardous to reach. Employees may exit the platform with the knowledge and consent of the employer. When employees exit to unguarded work areas, fall protection shall be provided and used as required in construction safety standard Part 45. "Fall Protection," R 408.44501 to R 408.44502.

R 408.43216 Operating procedures.

Rule 3216 (1) The aerial work platform shall be used only in accordance with the manufacturers or owners operating instructions and safety rules.

(2) The designed rated capacity for a given angle of elevation shall not be exceeded.

(3) The guardrail system of the platform shall not be used to support any of the following:

(a) Materials.

(b) Other work platforms.

(c) Employees.

(4) Employees shall maintain firm footing on the platform while working on the platform. The use of railings, planks, ladders, or any other devices on the platform for achieving additional height is prohibited.

(5) Only aerial work platforms that are equipped with a manufacturer's installed platform controls for horizontal movement shall be moved while in the elevated position.

(6) Before and during driving while elevated, an operator of a platform shall do both of the following:

(a) Look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(b) Maintain a safe distance from all of the following:

(i) Obstacles.

(ii) Debris.

(iii) Drop-offs.

(iv) Holes.

(v) Depressions.

(vi) Ramps.

(vii) Overhead obstructions.

(viii) Overhead electrical lines.

(ix) Other hazards to safe elevated travel.

(7) Outriggers or stabilizers, when provided, are to be used in accordance with the manufacturer's instruction. Brakes shall be set and outriggers and stabilizers shall be positioned on pads or a solid surface.

(8) Aerial work platforms shall be elevated only when on a firm and level surface or within the slope limits allowed by the manufacturer's instructions.

(9) A vehicle-mounted aerial work platform (figure 1) shall have its brakes set before elevating the platform.

(10) A vehicle-mounted aerial work platform (figure 1) shall have wheel chocks installed before using the unit on an incline.

(11) Climbers shall not be worn while performing work from an aerial work platform.

(12) Platform gates shall be closed while the platform is in an elevated position.

(13) Altering, modifying, or disabling safety devices or interlocks is prohibited.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on September 17, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.12011, R 408.12016, R 408.12021, R 408.12026, and R 408.12043 of the Michigan Administrative Code are amended and R 408.12002 is added to the Code, as follows:

PART 20. UNDERHUNG CRANES AND MONORAIL SYSTEMS

R 408.12002 Adoption of standards by reference.

Rule 2002. (1) The American Society of Mechanical Engineers (ASME) Standard ASME B30.11 "Monorail Systems and Underhung Cranes," 1993 edition, is adopted by reference in these rules and is available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules of \$60.00.

(2) The standard adopted in subrule (1) of this rule is also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(3) Copies of the standard adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(4) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard Part 1 "General Provisions," R 408.10001 to R 408.10098.

(b) General Industry Safety Standard Part 2 "Floor and Wall Openings, Stairways, and Skylights," R 408.10201 to R 408.10241.

(c) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

R 408.12011 Underhung cranes and monorail systems; adoption of standards by reference.

Rule 2011. An underhung crane or monorail system installed, or that portion modified, after November 5, 1997, shall be in compliance with the requirements of ASME B30.11 “Monorail Systems and Underhung Cranes,” 1993 edition, as adopted in R 408.12002.

R 408.12016 Access, clearances, and barriers.

Rule 2016. (1) Safe access shall be provided to a cab operated crane by a fixed ladder, stairway, or walkway.

(2) Conductors of the open type which are mounted on the crane runway, bridge, or monorail beams or overhead shall be located or guarded so that an operator at the normal operator’s position or persons entering or leaving the cab or crane footwalk could not, under normal conditions, come into contact with them.

(3) A catwalk on a crane shall have a standard barrier as prescribed in General Industry Safety Standard Part 2 “Floor and Wall Openings, Stairways, and Skylights,” as referenced in R 408.12002. A floor opening in a crane platform, if equipped with a hinged cover, need not be equipped with a standard barrier. The cover shall be kept closed, except when an employee is entering or leaving the opening.

(4) Safe clearance shall be provided between fixed objects and the monorail system where there is employee exposure.

R 408.12021 Operator selection; cab-operated or pulpit-operated equipment.

Rule 2021. (1) An employer shall be able to demonstrate that an employee is trained and qualified to operate the equipment prior to authorizing the employee to operate the equipment. A permit system may be used to comply with this rule.

(2) An employee assigned to operate cab-operated or pulpit-operated equipment shall meet the minimum requirements stated in this rule and shall be retested at least once every 3 years or more often when there is reason to doubt safe operating ability.

R 408.12026 Personal protective equipment.

Rule 2026. For personal protective equipment requirements, see General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 408.12002.

R 408.12043 Maintenance of equipment: correction of unsafe condition; precautions; returning equipment to normal operation; removing dirt and debris.

Rule 2043. (1) An employer shall maintain a crane, monorail system, and their accessories in a condition that does not endanger an operator or other employee.

(2) Before adjustments or repairs are commenced on a crane or monorail system, all of the following precautions shall be taken:

(a) A crane shall be repaired in a location where it causes the least interference with other moving equipment on the track or rails and operations in the area.

(b) Controllers shall be placed in the “off” position.

(c) Where an employee is working at or near a disabled crane and there is a parallel runway on that side, or where a section of track or runway is being repaired or replaced, and a hazard exists to the employee, the requirements of subrule (3) of this rule apply.

(d) The power to the crane or monorail system shall be locked out in accordance with R 408.10132 of General Industry Safety Standard Part 1 “General Rules,” as referenced in R 408.12002.

(3) Where any other crane or monorail systems uses the same runway, a protective device shall be used to prevent interference with the idle crane or monorail systems undergoing repairs. Where the protective device is impractical, a signalman shall be placed at a visual vantage point to warn the operator of the active crane or monorail system when it reaches the limit of safe distance from the idle crane.

(4) A crane or monorail equipment that has been adjusted or repaired shall not be returned to normal operation until all guards have been replaced, locks removed, safety devices reactivated, and the maintenance equipment removed.

(5) An accumulation of dirt or debris on a crane or monorail equipment that may create a hazardous condition shall be removed.

ADMINISTRATIVE RULES

DEPARTMENT OF EDUCATION

SUPERINTENDENT OF PUBLIC INSTRUCTION

SPECIAL EDUCATION PROGRAMS AND SERVICES

Filed with the Secretary of State on September 26, 2013

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 34, 45a(6), or 48 of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By the authority of sections 1701, 1703, 1711, 1729, 1741, 1751, and 1761 of 1976 PA 451, MCL 380.1701, MCL 380.1703, MCL 380.1711, MCL 380.1729, MCL 380.1741, MCL 380.1751, and MCL 380.1761, and Executive Reorganization Order Nos. 1996-6 and 1996-7, MCL 388.993 and MCL 388.994).

R 340.1701, R 340.1701a, R 340.1702, R 340.1721, R 340.1721b, R 340.1721e, R 340.1722, R 340.1724f, R 340.1725f, R 340.1732, R 340.1734, R 340.1738, R 340.1748, R 340.1749a, R 340.1749b, R 340.1754, R 340.1755, R 340.1758, R 340.1781, R 340.1790, R 340.1796, R 340.1798, R 340.1799c, R 340.1799g, R 340.1802, R 340.1809, R 340.1811, R 340.1831, R 340.1839, R 340.1851, and R 340.1862 of the Michigan Administrative Code are amended as follows:

PART 1. GENERAL PROVISIONS

R 340.1701 Assurance of compliance.

Rule 1. All public agencies in the state, as those agencies are defined at 34 C.F.R. §300.33 of the regulations implementing the individuals with disabilities education act, 20 U.S.C. chapter 33, §1400 et seq., shall comply with these rules; all provisions of the state's application for federal funds under part B and part C of the individuals with disabilities education act, 20 U.S.C. chapter 33, §1400 et seq.; the requirements of part B and part C of the individuals with disabilities education act; and the regulations implementing the individuals with disabilities education act, 34 C.F.R. part 300 and 34 C.F.R. part 303, which are adopted by reference in these rules. Copies are available, at cost, from the Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001 or from the Center for Educational Networking, 6412 Centurion Drive, Suite 130, Lansing, MI 48917 or toll free at (888) 463-7656.

R 340.1701a Definitions; A to D.

Rule 1a. As used in these rules:

(a) "Adaptive behavior" means a student's ability to perform the social roles appropriate for a person of his or her age and gender in a manner that meets the expectations of home, culture, school, neighborhood, and other relevant groups in which he or she participates.

(b) "Agency" means a public or private entity or organization, including the local school district, public school academy, intermediate school district, the department, and any other political subdivision of the state that is responsible for providing education or services to students with disabilities.

(c) "Complaint" means a written and signed allegation that includes the facts on which the allegation is based, by an individual or an organization, that there is a violation of any of the following:

(i) Any current provision of these rules.

(ii) The revised school code, 1976 PA 451, MCL 380.1 et seq., as it pertains to special education programs and services.

(iii) The individuals with disabilities education act, 20 U.S.C., chapter 33, §1400 et seq., and the regulations implementing the act, 34 C.F.R. part 300 and 34 C.F.R. part 303.

(iv) An intermediate school district plan.

(v) An individualized education program team report, administrative law judge decision, or court decision regarding special education programs or services.

(vi) The state application for federal funds under the individuals with disabilities education act.

(d) "Department" means the state department of education.

(e) "Departmentalize" means a delivery system in which 2 or more special education teachers teach groups of students with disabilities by instructional content areas.

R 340.1702 "Student with a disability" defined.

Rule 2. "Student with a disability" means a person who has been evaluated according to the individuals with disabilities education act and these rules, and is determined by an individualized education program team, an individualized family service plan team, or ~~a hearing officer~~ an administrative law judge to have 1 or more of the impairments specified in this part that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1 of the school year of enrollment, and who has not graduated from high school. A student who reaches the age of 26 years after September 1 is a "student with a disability" and entitled to continue a special education program or service until the end of that school year.

PART 2. INITIAL EVALUATION, TIME LINES, INDIVIDUALIZED EDUCATION PROGRAM, DISTRICT RESPONSIBILITIES, AND DUE PROCESS PROCEDURES

R 340.1721 Request for initial evaluation.

Rule 21. Within 10 school days of receipt of a written request for an initial evaluation of a student suspected of having a disability, and before any formal evaluation designed to determine eligibility for special education programs and services, the public agency shall provide the parent with written notice consistent with 34 CFR § 300.503 and, when necessary shall request written consent to evaluate.

R 340.1721b Time lines.

Rule 21b. (1) Within 10 school days of receipt of a written request for any evaluation, the public agency shall provide the parent with written notice consistent with 34 CFR § 300.503 and shall request written parental consent to evaluate. The time from receipt of parental consent for an evaluation to the notice of an offer of a free appropriate public education or the determination of ineligibility shall not be more than 30 school days. This time line begins upon receipt of the signed parental consent by the public agency requesting the consent. This time line may be extended if agreed to by the parent and public agency. Any extension to this time line shall be both of the following:

(a) In writing.

(b) Measured in school days.

(2) The parent has 10 school days after receipt of the notice of an initial offer of a free appropriate public education to provide the public agency with written parental consent to provide initial special education programs and services.

(3) Within 7 school days from the date of the individualized education program team meeting, the public agency shall provide the parent with the notice of an offer of a free appropriate public education or determination of ineligibility. The public agency shall document mode and date of delivery. The notice shall identify where the programs and services are to be provided and when the individualized education program begins.

(4) Unless a parent has filed an appeal under R 340.1724f, the public agency, as defined under 34 CFR § 300. 33, shall initiate a proposed special education individualized education program as soon as possible and not more than 15 school days after the parent's receipt of written notification under R 340.1721b(3), or not more than 15 school days after receipt of written parental consent under R 340.1721b(2). The parties may agree to a later initiation date if the later date is clearly identified in the individualized education program. An initiation date later than 15 school days shall not be used to deny or delay programs or services because they are unavailable and shall not be used for purposes of administrative convenience.

(5) For students with an individualized education program in effect at a previous public agency who transfer public agencies within the same school year, the new public agency shall immediately provide a free appropriate public education. A decision regarding implementation of an individualized education program in accordance with 4 CFR § 300.323 shall be made within 30 school days of enrollment.

R 340.1721e Individualized education program.

Rule 21e. (1) An individualized education program shall be developed in accordance with 34 CFR part 300 and shall include all of the following in writing:

- (a) A statement of measurable annual goals, including measurable short-term objectives.
- (b) A statement documenting that extended school year services were considered.
- (c) For children age 3 through 5, a statement of the child's socialization needs and ability to participate and progress in developmentally appropriate activities.

(2) In considering extended school year services, the individualized education program team shall do all of the following:

(a) Determine if a student's current annual goals address 1 or more skills that need extended school year services. For any identified annual goal, the individualized education program team shall consider all of the following:

(i) Data that indicate that in the identified annual goal there is a potential for regression of skills beyond a reasonable period of recoupment.

(ii) Data regarding the nature or severity of the disability of the student that indicates that there is a need to provide services in the identified annual goal during breaks in the school year.

(iii) Information that indicates that in the identified annual goal the student is at a critical stage of learning or in a critical area of learning where failure to provide a service beyond the normal school year will severely limit the student's capacity to acquire essential skills.

(b) If the individualized education program team determines that the data or information in any of subrule (2)(a)(i) to (iii) of this rule indicate a need for extended school year services, then extended school year services shall be included in the student's individualized education program.

(c) Determination of the need for extended school year services shall not be based on a formula or policy that prohibits full consideration of the unique educational needs of each student.

(d) Related services, transportation, supplementary aids and services, and instructional programming shall be considered when planning a student's extended school year services.

(e) Consideration of extended school year services shall be accomplished in sufficient time to make plans for the delivery of extended school year services.

(3) Any participant in the individualized education program team's deliberations who disagrees, in whole or in part, with the team's determination may indicate the reasons on the team's individualized education program report or may submit a written statement to be attached to the report.

(4) The individualized education program team shall determine the programs and services for a student with a disability in accordance with 34 CFR part 300. The individualized education program shall not be restricted to the programs and services available.

(5) The Michigan school for the deaf shall be considered a part of the total continuum of services for students who are deaf or hard of hearing. The resident district shall conduct the individualized education program team meeting that initiates an assignment into the Michigan school for the deaf. Representatives of the intermediate school district of residence and the Michigan school for the deaf shall be invited to participate in the individualized education program team meeting.

(6) The school district of residence is responsible for conducting the initial individualized education program team meeting involving a student in its district and shall conduct, or authorize the operating district to conduct, each subsequent individualized education program team meeting at a mutually agreed upon time and place.

(7) Upon request of the parent, a representative of the school district of residence shall be invited to attend the individualized education program team meeting if the district of residence has authorized the operating district to conduct each subsequent individualized education program team meeting.

R 340.1722 District responsibilities.

Rule 22. (1) The superintendent or his or her designee shall appoint a staff person to be responsible for the implementation of the individualized education program, including services provided by other agencies.

(2) The staff person responsible for the implementation of the individualized education program shall be either of the following:

(a) The principal of the building where the primary educational program is provided to the student with an individualized education program.

(b) Another staff person who is generally accessible to the staff and who will be working with the student.

(3) Each public agency shall provide special education and related services to a student in accordance with the student's individualized education program.

R 340.1724f Due process complaints; procedures.

Rule 24f. (1) This rule applies only to due process complaints filed on or after July 1, 2006.

(2) Due process complaints under this rule shall be administered by the department of education.

(3) A parent, a public agency, or the department of education may initiate a hearing by filing a written due process complaint with the department of education, office of special education, and providing a copy of the complaint to the public agency or other party or parties that are the subject of the due process complaint. A due process complaint shall be all of the following:

(a) In writing.

(b) Signed by the complainant.

(c) Properly filed when the office of special education and the other party or parties that are the subject of the due process complaint have received a due process complaint that meets the requirements of these rules and 34 CFR §300.508(a) and (b)(1) to (4).

(d) Delivered to the office of special education in the following manner:

(i) By mail, by facsimile, or in person.

(ii) With a statement describing the facts of delivery to the party or parties that are the subject of the due process complaint in the following manner:

(A) If by mail, to whom the complaint was addressed and the date it was mailed.

(B) If by facsimile, to whom the complaint was addressed, the date and time it was sent.

(C) If in person, the date and place the complaint was delivered and to whom it was given.

(4) Due process timelines begin when the office of special education and the other party that is the subject of the due process complaint have received a due process complaint that meets the requirements of these rules and 34 CFR §300.508.

(5) A hearing may be initiated on matters related to any of the following:

(a) Identification.

(b) Evaluation.

(c) Educational Placement.

(d) Provision of a free appropriate public education.

(e) Provision of appropriate services under 34 CFR part 303 to the child or the child's family.

(f) Assignment of financial obligations for services under 34 CFR part 303 to the parents.

(g) Determination that behavior was not a manifestation of the student's disability.

(h) Determination of an appropriate interim alternative educational setting by the individualized education program team.

(i) Placement in an interim alternative setting for not more than 45 school days, because maintaining the current placement is substantially likely to result in injury to the student or others.

(6) Upon receipt of a due process complaint that meets the requirements of these rules and 34 CFR §300.508(a) and (b)(1) to (4), the department of education will refer the complaint to the Michigan administrative hearing system which will appoint an administrative law judge to conduct a hearing in accordance with the individuals with disabilities education act, 20 U.S.C. §1401 et seq., 1976 PA 451, MCL 380.1701 et seq. R 340.1883 to R 340.1885 and these rules.

(7) Any party who is aggrieved by the final decision in a hearing conducted under this rule may appeal to a court of competent jurisdiction within 90 days after the mailing date of the final decision.

(8) Unless otherwise specified in the administrative law judge's decision, the decision shall be implemented by the public agency within 15 school days of the agency's receipt of the decision.

(9) When required by an administrative law judge order and decision the public agency shall submit proof of compliance to the department of education, office of special education, documenting that the public agency has implemented the provisions of the final decision.

R 340.1725f Surrogate parent.

Rule 25f. Each public agency shall appoint persons to serve as surrogate parents in accordance with 34 CFR part 300 section 300.519.

PART 3. ADMINISTRATION OF PROGRAMS AND SERVICES

R 340.1732 Designation of residency.

Rule 32. (1) The residency of a student with a disability shall be determined in accordance with sections 380.1148 and 380.1148a of 1976 PA 451, MCL 380.1148 and MCL 380.1148a.

~~§~~(2) If a disagreement occurs between 2 or more school districts as to the residency of a student with a disability, then all of the following procedures apply:

(a) Notice shall be sent to the department by a school district involved. The notice shall include all of the following information:

(i) The names of all of the school districts alleged as a resident school district.

(ii) The name of the student involved.

(iii) The name and address of the parent or guardian, or address of the student if the student is over 18 years of age.

(b) The department or its representative shall immediately notify the school districts involved and the parent, guardian, or student of the receipt of notice of disagreement.

(c) Within 7 calendar days of receipt of notice from the department, all parties shall provide the department with a written statement of their position and supporting facts.

(d) Within 14 calendar days of the receipt of a notice of a disagreement from a school district, the department shall investigate the matter, consider information received from the parties involved, and make a determination as to the residency of the student. A copy of the determination shall be immediately sent to each party involved.

R 340.1734 Deviations from rules.

Rule 34. (1) A deviation from these rules shall be requested, in writing, by an intermediate school district, local school district, or public school academy that operates or contracts for special education programs and services following procedures determined by the department. A copy of the request shall be filed concurrently with the intermediate school district in which affected students with disabilities reside and all local constituent school districts in which the affected students with disabilities reside. A copy of the request shall be filed concurrently with the parent advisory committee of the intermediate school district that requests the deviation and the parent advisory committee of any intermediate school district in which affected students with disabilities reside.

(2) Within 7 days of receipt of the request, the intermediate school district shall review and inquire into the request and shall file, with the department, its position regarding the appropriateness of the request and its objections to, or endorsement of, the request, together with the rationale regarding its position.

(3) The department shall initiate action within 30 calendar days of receipt of the request. The department may grant the request, in writing, for a period not to extend beyond the end of the current school year and upon such terms and conditions as it shall specify only when, in its judgment, the best interests of the students with disabilities affected by the deviation are served and good cause is shown.

(4) A deviation shall not be granted when the intent of the deviation is to exclude a student with a disability from, or deny a student with a disability participation in, a special education program or service that is required.

(5) A program deviation that is granted by the department is public information. The affected intermediate school districts, constituent local school districts, or public school academies shall inform their involved personnel of granted deviations in any manner they deem appropriate. At a minimum, the parent advisory committee shall be informed of the disposition of the request.

(6) A deviation shall not be requested for the purpose of avoiding or postponing corrections directed by the department under part 8 of these rules.

(7) If a final decision to deny a deviation request is made, then the school district that makes the request shall correct the condition that precipitated the request and shall forward to the department, office of special education, within 30 school days of the denial, its assurance that the matter is now in compliance with the respective rule.

(8) Nothing in this rule or any other provision of statute or regulation shall permit the department to waive any of the requirements of part B of the individuals with disabilities education act, as amended, 20 U.S.C. §1400 et seq.

R 340.1738 Severe cognitive impairment program.

Rule 38. A severe cognitive impairment program shall be operated as follows:

(a) There shall be 1 teacher and 2 instructional aides for a maximum of 12 students. The maximum number of students may be extended to 15 if an additional instructional aide is assigned with the

placement of the thirteenth student. At least 1 full-time teacher and 1 full-time aide shall be employed in every severe cognitive impairment program.

(b) A severe cognitive impairment program shall consist of either of the following:

(i) A minimum of 200 days and 1,150 clock hours of instruction.

(ii) A minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction.

(c) Any decision on whether the child shall participate in the program beyond the regular school year established by the operating district must be made on an individual basis by the individualized education program team.

(d) Teachers shall be responsible for the instructional program and shall coordinate the activities of aides and supportive professional personnel.

(e) Instructional aides shall work under the supervision of the teacher and assist in the student's daily training program.

(f) Program assistants may assist the teacher and the instructional aides in the feeding, lifting, and individualized care of students.

(g) A registered nurse shall be reasonably available.

R 340.1748 Severe multiple impairments program.

Rule 48. (1) A severe multiple impairment program shall consist of at least 1 teacher and 2 instructional aides for a maximum of 9 students. At least 1 full-time teacher and 1 full-time aide shall be employed in every severe multiple impairments program.

(2) A severe multiple impairments program shall consist of either of the following:

(a) A minimum of 200 days and 1,150 clock hours of instruction.

(b) A minimum of 1,150 hours of instruction with no breaks greater than 10 consecutive days of pupil instruction.

(3) Any decision on whether the child shall participate in the program beyond the regular school year established by the operating district must be made on an individual basis by the individualized education program team.

(4) A registered nurse shall be reasonably available.

R 340.1749a Elementary level resource program.

Rule 49a. (1) A district that provides a special education elementary level resource program shall be provided by a special education teacher.

(2) The elementary resource teacher shall serve not more than 10 students at any 1 time and not more than 18 different students and shall do either or both of the following:

(a) Provide direct instruction to students on the resource teacher's caseload and may assign grades or other evaluative measures for this instruction.

(b) Provide support to the general education classroom teachers to whom special education students on the resource teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.

(3) The elementary resource program teacher may provide supplemental instruction to students on his or her caseload.

(4) The elementary resource teacher may evaluate general education students within the same building who are suspected of having a disability and, therefore, may serve on the initial multidisciplinary evaluation team. The resource teacher shall be responsible for the evaluation of not more than 2 students at 1 time. Time shall be allocated to the resource teacher to carry out this responsibility.

(5) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational program team shall

determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.

R 340.1749b Secondary level resource program.

Rule 49b. (1) A district that provides a special education secondary level resource program shall be provided by a special education teacher.

(2) A secondary resource teacher shall serve not more than 10 students at any 1 time and have a caseload of not more than 20 different students and shall do either or both of the following:

(a) Provide direct instruction for special education courses approved for graduation by the local educational agency. The teacher may assign grades or other evaluative measures for this instruction.

(b) Provide support to the general education classroom teachers to whom special education students on the resource program teacher's caseload have been assigned. Time shall be allocated to the resource teacher to carry out this responsibility.

(3) The secondary resource teacher may provide supplemental instruction to students on his or her caseload who are enrolled in general education classes. The teacher shall not teach a class and offer tutorial assistance at the same time.

(4) If the special education teacher to whom the student is assigned does not have an endorsement in the area which matches the student's disability, the individualized educational program team shall determine if a teacher consultant with such credentials is needed to provide consultation, resources, and support services to the resource teacher.

R 340.1754 Early childhood special education programs; 2 years 6 months through 5 years of age

Rule 54. (1) Early childhood special education programs for students with disabilities may be provided to students with disabilities who are 2 years 6 months through 5 years of age.

(2) Early childhood special education programs for students with disabilities shall do all of the following:

(a) Be provided by an approved or endorsed early childhood special education teacher.

(b) Be based upon the student's individual needs as determined through an age appropriate developmental assessment and specified in an individualized education program.

(c) Be based on the approved state board of education early childhood standards.

(d) Have a parent participation and education component.

(e) Be available for a minimum of 360 clock hours and 144 days of instruction.

(f) Have not more than 12 students for 1 teacher and 1 aide at any one time, and the teacher shall have responsibility for the educational programming for not more than 24 different students.

R 340.1755 Early childhood special education services; 2 years 6 months through 5 years of age

Rule 55. (1) Early childhood special education services for students with disabilities may be provided to students with disabilities who are 2 years 6 months through 5 years of age.

(2) Early childhood special education services for students with disabilities shall do all of the following:

(a) Be provided by an approved or endorsed early childhood special education teacher or approved related service provider.

(b) Be provided by an approved related services staff working under the educational direction of an approved or endorsed early childhood special education teacher.

(c) Be provided for not less than 72 clock hours over 1 school year. Services may be provided in appropriate early childhood, school, community, or family settings.

(3) If a preschool-aged student with a disability is placed in a non-special education program, then the individualized education program team shall consider the need for consultation by an early childhood special education teacher.

R 340.1758 Programs for students with autism spectrum disorder.

Rule 58. Specific requirements for programs for students with autism spectrum disorder shall be provided using either of the following alternatives:

(a) Programs that consist of 1 classroom program for students with autism spectrum disorder shall not have more than 5 students and shall be served by a teacher of students with autism spectrum disorder. However, programs that consist of more than 1 classroom may have more than 5 students in a classroom, if the average student-to-teacher-and-aide ratio does not exceed 5 students to 1 teacher and 1 aide. A classroom with 3 or more students shall have 1 aide.

(b) A special education program described in an approved intermediate school district plan under R 340.1832(d) that assures the provision of educational programming for students with autism spectrum disorder.

PART 5. QUALIFICATIONS OF TEACHERS AND OTHER PERSONNEL

R 340.1781 Teachers of students with disabilities; endorsement requirements.

Rule 81. (1) A teacher seeking an endorsement or full approval by the department shall meet all of the following requirements, in conjunction with those of R 340.1782, R 340.1786 to R 340.1788, R 340.1790, R 340.1795 to R 340.1797, and R 340.1799 to R 340.1799c, before being employed by an intermediate school district, local school district, public school academy, or other agency operating special education programs and services:

(a) The requisite knowledge, understanding, skills, and dispositions for effective practice related to all of the following:

(i) Utilizing research-based models, theories, and philosophies for teaching students with an array of disabilities within different placements.

(ii) Assessing students with disabilities for identification and teaching.

(iii) Implementing accommodations and modifications for classroom, district, and statewide assessments.

(iv) Using assistive technology devices to increase, maintain, or improve the capabilities of students with impairments.

(v) Communicating, consulting, and collaborating with parents/guardians, paraprofessionals, general educators, administrators, and human services personnel.

(vi) Developing, implementing, and evaluating individualized education programs.

(vii) Planning, organizing, scheduling, and conducting individualized education program team meetings, including parental and student participation.

(viii) Preparing students with disabilities for transitions consisting of preschool to elementary through post-secondary environments and employment.

(ix) Maintaining, releasing, and transferring student records according to district, state, and federal rules and policies.

(x) Articulating the historical and legal bases regarding special education, such as the concept of free appropriate public education, general least restrictive environment requirements, and family education and privacy rights.

(b) Understanding issues of race, class, culture, religion, gender, orientation, and language related to subdivision (a) of this subrule.

R 340.1790 Teacher consultants for students with disabilities.

Rule 90. In addition to meeting all of the requirements of R 340.1782, a teacher consultant shall meet both of the following requirements for full approval by the department:

- (a) Possess a master's degree in education or a field of study related to special education.
- (b) Show evidence of a minimum of 3 years of satisfactory teaching experience, not less than 2 years of which shall be teaching in a special education program.

R 340.1796 Teachers of students with speech and language impairment; special requirements.

Rule 96. (1) A teacher of students with speech and language impairment shall meet all of the following requirements:

- (a) An earned master's degree in speech and language pathology.
 - (b) A minimum of 60 semester or equivalent hours of academic credit in normal aspects of human communication, development thereof, and clinical techniques for evaluation and management of speech and language disorders distributed as follows:
 - (i) A minimum of 12 semester or equivalent hours in courses pertaining to normal development of speech, language, and hearing.
 - (ii) A minimum of 30 semester or equivalent hours in courses on communication disorders and evaluation and management of speech, language, and hearing disorders. Of these 30 semester or equivalent hours, 24 hours shall be in speech and language pathology and 6 shall be in audiology. Not more than 6 of the 30 semester or equivalent hours may be earned for clinical practicum.
 - (iii) A minimum of 30 semester or equivalent hours that are acceptable on a graduate level, of which 21 hours shall be within the group specified under paragraph (ii) of this subdivision.
 - (c) A minimum of 300 clock hours of supervised practicum experience with persons who present a variety of communication disorders, to be acquired in conjunction with academic training, 150 hours of which shall be obtained at the graduate level.
- (2) The department shall approve as a teacher of students with speech and language impairment a person who is employed or approved as a teacher of students with speech and language impairment before the effective date of these rules.
- (3) A teacher of students with speech and language impairment assigned to programs for students with severe language impairment, as defined in R 340.1756, shall be certified at the elementary level.

R 340.1798 Teachers of students requiring adapted physical education; role.

Rule 98. Teachers of students requiring adapted physical education may do any of the following:

- (a) Provide adapted physical education instruction to students with disabilities whose disabilities preclude integration into general physical education classes without supports or modifications.
- (b) Assess students for the purpose of providing adapted physical education.
- (c) Provide supportive services in general physical education and consultative services to general physical education teachers or special education teachers.

R 340.1799c Teachers of students with hearing impairment; special requirements.

Rule 99c. (1) The teacher education program for teachers of students with hearing impairment shall include a minimum of 30 semester or equivalent hours. The teacher education program for teachers of students with hearing impairment shall meet the council on education of the deaf standards or shall, at a minimum, include 30 semester or equivalent hours relating to all of the following areas:

- (a) Language and linguistics.
- (b) Audiology and speech science.
- (c) Psychology.
- (d) Education.

- (2) Students shall complete a program that is designed to develop all of the following competencies:
- (a) Knowledge of linguistics, theories of language development, and the various special methods used to assess and develop language competence.
 - (b) Ability to utilize an individual diagnostic profile of the student's expressive and receptive language skills.
 - (c) Ability to integrate language development with the teaching of English, mathematics, social studies, science, and other academics.
 - (d) Ability to use various and combined modes, manual and oral, in both expressive and receptive communication with students with hearing impairment.
 - (e) Knowledge of the anatomy, physiology, and pathology of the organs of speech and hearing.
 - (f) Knowledge of audiological assessment information and its application to the individualized education program of a student with hearing impairment.
 - (g) Knowledge of personal and group amplification systems, including their basic maintenance.
 - (h) Ability to incorporate and teach appropriate procedure to maximize the use of speech, speech reading, and auditory skills.
 - (i) Ability to use systematic observational techniques for establishing baseline data, evaluating problem areas, and for documenting and assessing progress.
 - (j) Knowledge of the psychological and sociological impact of severe/profound hearing impairment, including information about the community/culture of adult persons who are deaf.
 - (k) Ability to identify and use local, state, and national resources in support of students with hearing impairment, their parents, and their educational program.
 - (l) Ability to orient parents, general education school staff, and administrators to the unique needs and learning styles of students with hearing impairment.
 - (m) Ability to assess communication, academic, and social/emotional development of students with hearing impairment.
 - (n) Ability to relate diagnostic information in functional terms to parents and support service specialists.
 - (o) Ability to design and implement an educational program appropriate to the individual student's communication, academic, prevocational, and social needs.
 - (p) Ability to modify and adapt procedures for teaching reading, math, and other academic subjects to students with hearing impairment.
- (3) Before assignment to directed student teaching, each student shall spend a minimum of 60 clock hours in programs utilizing various communication modes, both manual and oral.
- (4) The council on the education of the deaf standards, as cited in subrule (1) of this rule, are adopted by reference in these rules and are available from the Council on Education of the Deaf, Gallaudet University, 800 Florida Avenue, N.E., Washington, D.C. 20002-3695, and also from the Michigan Department of Education, Office of Special Education, P.O. Box 30008, Lansing, MI, 48909, at no cost for reproduction.

R 340.1799g Transition coordinator; requirements.

Rule 99g. (1) Full approval as a transition coordinator shall be granted by the department to a person who meets all of the following requirements:

- (a) A bachelor's or graduate degree in special education or a field related to transition of youth with disabilities into adult life roles. Related fields include, but are not limited to, general and vocational education, vocational rehabilitation, and counseling.
- (b) A minimum of 3 years of satisfactory teaching experience in special or vocational education at the secondary level; or a minimum of 3 years of satisfactory employment providing transition-related service to individuals with disabilities between the ages of 13 to 26 years. Transition-related services

include, but are not limited to, vocational rehabilitation, employment, counseling, independent living, and mental health. A person with a master's degree in special education or field related to transition of youth with disabilities into adult life roles shall be credited with 1 year of employment.

(c) Approval under competencies and procedures established by the department.

PART 6. FINANCING

R 340.1802 Use of funds.

Rule 102. Funds available to intermediate school districts, constituent local school districts, and public school academies as provided in R 340.1801 may be used for any of the following:

- (a) The employment of teachers and other personnel.
- (b) Transportation of students with disabilities.
- (c) The purchase and maintenance of equipment and supplies.
- (d) The lease, purchase, construction, renovation, or acquisition of vehicles, sites, buildings or portions thereof, and equipment as deemed necessary for staff, programs, and services operated under the intermediate school district plans as approved by the department and other provisions of law.

R 340.1809 State aid to operating school districts.

Rule 109. The intermediate school district and its constituent local school districts and public school academies shall be entitled to receive reimbursement for special education programs and services that are in compliance with these rules and in accordance with the intermediate school district plan as approved by the department and as prescribed in 1979 PA 94, MCL 388.1601 et seq. and known as the state school aid act of 1979.

R 340.1811 Distribution of intermediate millage to intermediate school district, its constituent local school districts, and public school academies.

Rule 111. (1) Only those programs and related services provided under a department-approved intermediate school district plan and approved for reimbursement by the department shall be eligible for reimbursement from funds generated by adoption of millage under sections 1723 and 1724 of 1976 PA 451, MCL 380.1723 and 380.1724.

(2) If intermediate school district special education tax funds are insufficient to reimburse constituent claims in full, then a like percentage of the claim shall be paid for support of each program and service to each constituent district. Claims for operation of special education programs and services available to all constituent local school districts or public school academies may be reimbursed in full before any prorated payment which may become necessary for other programs and services.

(3) Current intermediate school district special education tax funds need not be used to offset operational claim deficits from prior years.

(4) Amounts may be retained by the intermediate school district for required cash flow purposes not to exceed 1 year's operational expenses for the purpose of maintaining special education programs and services operated by the intermediate school district.

(5) Intermediate school districts shall submit the desired method for the distribution of funds to the intermediate school district, its constituent local school districts, and public school academies and the reasons therefor for approval as part of the intermediate school district plan required under section 1711 of 1976 PA 451, MCL 380.1711.

PART 7.DEVELOPMENT AND SUBMISSION OF INTERMEDIATE SCHOOL DISTRICTS' PLANS AND MONITORING

R 340.1831 Plan and modification submission.

Rule 131. (1) Each intermediate school district board shall submit an intermediate school district plan for special education to the superintendent of public instruction to become effective when approved by the superintendent of public instruction.

(2) Any intermediate school district plan or subsequent modification approved by the superintendent of public instruction shall be distributed by the intermediate school district to each constituent local school district superintendent, each chief executive officer of a public school academy, and the chairperson of the parent advisory committee within 7 calendar days of the intermediate school district's receipt of approval by the superintendent of public instruction.

(3) Except as provided in subrule (4) of this rule, a plan submitted by an intermediate school district and approved by the superintendent of public instruction shall remain in effect until the intermediate school district submits modifications that the intermediate school district deems necessary to the department and the modifications are approved by the superintendent of public instruction.

(4) The department may require an intermediate school district to modify its plan if, after the effective date of the individuals with disabilities education act, 20 U.S.C. §1400 et seq., the provisions of that act, its regulations, 34 C.F.R. 300.1, et seq., 1976 PA 451, MCL 380.1 et seq. or these rules are amended, there is a new interpretation of any of these laws or regulations by the United States Department of Education, the department, or court, or the department finds noncompliance.

(5) If the department requires a modification to the intermediate school district plan under subrule (4) of this rule and an intermediate school district's process as set forth in this part does not result in agreement among the intermediate school district, its constituent local school districts, public school academies, and the parent advisory committee regarding the required modification, then the intermediate school district shall submit the required modification. A constituent local school district, public school academy, or the parent advisory committee may file an objection under R 340.1836.

R 340.1839 Monitoring and program evaluation.

Rule 139. (1) The department shall establish monitoring procedures, criteria, and evaluation activities to ensure that minimum standards are being achieved by all public agencies.

(2) Each intermediate school district shall implement monitoring procedures and evaluation methods developed by the department to ensure that the standards and criteria established are being achieved by the intermediate school district, their constituent local school districts, and their public school academies.

PART 8. STATE COMPLAINTS

R 340.1851 Filing a state complaint.

Rule 151. (1) A state complaint filed with the department, office of special education, shall meet the requirements of 34 CFR § 300.153.

(2) A state complaint shall be filed with the department, office of special education, within 1 year of the date of the alleged violation.

(3) A state complaint shall be delivered to the department, office of special education, and the public agency by mail, by fax, or by hand.

(4) Any person acting on behalf of a complainant shall provide evidence of that authority.

PART 10. BIRTH TO THREE

R 340.1862 Individualized family service plan; time lines; eligibility.

Rule 162. (1) Eligibility for Michigan special education services for all children with a disability birth to age 3 shall be determined by and documented in an individualized family service plan.

(2) Evaluations conducted to determine eligibility for Michigan special education services shall meet the requirements of 34 CFR part 303 and R 340.1705 to R 340.1717.

(3) Determination of eligibility for Michigan special education services, for a child birth to 3 with a disability shall follow all time lines and requirements pursuant to 34 CFR part 303.

(4) Special education services for children birth to 3 with disabilities shall be all of the following:

(a) Determined by the child's individual needs and specified in an individualized family service plan.

(b) Provided by an approved or endorsed early childhood special education teacher or approved related services staff.

(c) Provided for not less than 72 clock hours over 1 year. The time line begins upon receipt of signed parental consent to provide services.

(d) Provided in an appropriate early childhood setting, school setting, community setting, or family setting.

(e) Have a parent participation and education component.

(5) Approved related services staff shall work under the educational direction of an approved or endorsed early childhood special education teacher.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on September 17, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.15817, R 408.15825, R 408.15831, R 408.15833, R 408.15836, and R 408.15839 of the Michigan Administrative Code are amended, and R 408.15811 and R 408.15812 are rescinded as follows:

PART 58. AERIAL WORK PLATFORMS

R 408.15811 Rescinded.

R 408.15812 Rescinded.

R 408.15817 Preoperational procedures; platform inspections.

Rule 5817. (1) The employer shall ensure before the commencement of operations near power lines and when the clearances cannot be maintained as specified in Tables 1-3, that the owner, owner representative, or utility are notified with all pertinent information about the job.

(2) Any overhead wire shall be considered to be an energized line until the owner of the line, his or her authorized representative, or a utility representative assures either of the following:

(a) The line is de-energized and has been visibly grounded.

(b) The line is insulated for the system voltages and the task will not compromise the insulation of the conductor and/or cause an electrical hazard.

R 408.15825 Controls.

Rule 5825. (1) All of the following information shall be clearly marked in a permanent manner on each aerial work platform:

(a) Special workings, cautions, or restrictions necessary for operation.

(b) Rated work load.

(c) A clear statement if the aerial work platform is electrically insulated.

(2) Directional controls shall be in compliance with all of the following provisions:

(a) Be of the type that will automatically return to the off or neutral position when released.

(b) Be protected against inadvertent operation.

(c) Be clearly marked as to their intended function.

(3) An overriding control shall be provided in the platform which must be continuously activated for platform directional controls to be operational and which automatically returns to the off position when released.

(4) Articulating, extensible boom platforms, or both, primarily designed as personnel carriers, shall be equipped with both upper and lower controls.

(5) Upper controls shall be located within reach of the operator.

(6) Aerial work platforms shall be equipped with emergency controls at ground level.

(7) Emergency ground level controls shall be clearly marked as to their intended function and be capable of overriding the platform controls.

(8) Attachment points shall be provided for fall protection devices for personnel who occupy the platform on aerial work platforms described in R 408.15802 (a) and (c). (See figures 1 and 3).

R 408.15831 Insulated aerial device testing.

Rule 5831. If the aerial work platform is rated and used as an insulated aerial device, an employer shall test the electrical insulating components for compliance with the rating of the aerial work platform in accordance with ANSI standard A92.2 2001 edition "Vehicle-Mounted Elevating and Rotating Aerial Devices," which is adopted by reference in R 408.15810. Testing shall comply with all of the following provisions:

(a) The test shall be performed not less than annually.

(b) Written, dated, and signed test reports shall be made available by the employer for examination by a department representative.

(c) The insulated portion of an aerial device shall not be altered in any manner that might reduce its insulating value.

R 408.15833 Vehicles; traffic control.

Rule 5833. (1) Before moving a vehicle supporting an aerial ladder for highway travel, employees shall secure ladders in the lower position, and shall use the manually operated device at the base of the ladder, or other effective means to prevent elevation or rotation of the ladder.

(2) Before moving a vehicle supporting an aerial lift for travel, employees shall inspect the boom to ensure that it is properly cradled and the outriggers are in the stowed position, except as provided in subrule (3) of this rule.

(3) When a boom is elevated with employees in working position, the vehicle supporting an aerial device shall not be moved unless the equipment is specifically designed for this type of operation and meets the requirements of R 408.15821.

(4) An employer shall ensure that operators of an aerial work platform over or adjacent to any public or private roadway maintain adequate clearances of all portions of the aerial work platform to prevent being struck by vehicular traffic.

(5) When aerial work platforms are in use, all traffic control requirements shall be in compliance with Part 6 of the 2005 Michigan Manual on Uniform Traffic Control Devices (MMUTCD), which is adopted in R 408.15810, and Construction Safety Part 22. Signals, Signs, Tags, and Barricades, R 408.42201 to R 408.42243, as referenced in R 408.15810.

R 408.15836 Fall protection.

Rule 5836. (1) The employer shall provide a safety harness that has a lanyard which is in compliance with construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502 and which is affixed to attachment points provided and approved by the manufacturer. Any occupant of an aerial

work platform described in R 408.15802(a) and (c) and figures 1 and 3 shall use a safety harness. A fall arrest system shall only be used where the aerial lift is designed to withstand the vertical and lateral loads caused by an arrested fall.

(2) An employee may use a body belt with a restraint device with the lanyard and the anchor arranged so that the employee is not exposed to any fall distance. An employee is required to use a restraint device where the aerial lift cannot withstand the vertical and lateral loads imposed by an arrested fall.

(3) An employee shall be prohibited from belting off to an adjacent pole, structure, or equipment while working from an aerial work platform.

(4) An employer shall not allow employees to exit an elevated aerial work platform, except where elevated work areas are inaccessible or hazardous to reach. Employees may exit the platform with the knowledge and consent of the employer. When employees exit to unguarded work areas, fall protection shall be provided and used as prescribed in construction safety standard Part 45. "Fall Protection", R 408.44501 to R 408.44502.

R 408.15839 Operating procedures.

Rule 5839. (1) The aerial work platform shall be used only in accordance with the manufacturers or owners operating instructions and safety rules.

(2) The designed rated capacity for a given angle of elevation shall not be exceeded.

(3) The guardrail system of the platform shall not be used to support any of the following:

(a) Materials.

(b) Other work platforms.

(c) Employees.

(4) Employees shall maintain firm footing on the platform while working on the platform. The use of railings, planks, ladders, or any other devices on the platform for achieving additional height is prohibited.

(5) Only aerial work platforms that are equipped with a manufacturer's installed platform controls for horizontal movement shall be moved while in the elevated position.

(6) Before and during driving while elevated, an operator of a platform shall do both of the following:

(a) Look in the direction of, and keep a clear view of, the path of travel and make sure that the path is firm and level.

(b) Maintain a safe distance from all of the following:

(i) Obstacles.

(ii) Debris.

(iii) Drop-offs.

(iv) Holes.

(v) Depressions.

(vi) Ramps.

(vii) Overhead obstructions.

(viii) Overhead electrical lines.

(ix) Other hazards to safe elevated travel.

(7) Outriggers or stabilizers, when provided, are to be used in accordance with the manufacturer's instruction. Brakes shall be set and outriggers and stabilizers shall be positioned on pads or a solid surface.

(8) Aerial work platforms shall be elevated only when on a firm and level surface or within the slope limits allowed by the manufacturer's instructions.

(9) A vehicle-mounted aerial work platform (figure 1) shall have its brakes set before elevating the platform.

- (10) A vehicle-mounted aerial work platform (figure 1) shall have wheel chocks installed before using the unit on an incline.
- (11) Climbers shall not be worn while working from an aerial device unless gaff guards are provided.
- (12) Platform gates shall be closed while the platform is in an elevated position.
- (13) Altering, modifying, or disabling safety devices or interlocks is prohibited.
- (14) Stunt driving and horseplay are prohibited.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on September 18, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154 and Executive Reorganization Orders Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.35001, R 325.35002, R 325.35003, R 325.35004, R 325.35005, R 325.35007, R 325.35008, R 325.35009, and R 325.35011 of the Michigan Administrative Code are amended and R 325.35002a and R 325.35006a are added, R 325.35010 is rescinded, as follows:

PART 350. CARCINOGENS

R 325.35001 Scope and application.

Rule 1. (1) These rules apply to any area in which the following carcinogens are manufactured, processed, repackaged, released, handled, or stored, but shall not apply to transshipment in sealed containers, except for the labeling requirements under R 325.35008:

- (a) 4-Nitrobiphenyl, chemical abstracts service register number (CAS No.) 92933.
- (b) alpha-Naphthylamine, CAS No. 134327.
- (c) Methyl chloromethyl ether, CAS No. 107302.
- (d) 3,3'-Dichlorobenzidine (and its salts) CAS No. 91941.
- (e) bis-Chloromethyl ether, CAS No. 542881.
- (f) beta-Naphthylamine, CAS No. 91598.
- (g) Benzidine, CAS No. 92875.
- (h) 4-Aminodiphenyl, CAS No. 92671.
- (i) Ethyleneimine, CAS No. 151564.
- (j) beta-Propiolactone, CAS No. 57578.
- (k) 2-Acetylaminofluorene, CAS No. 53963.
- (l) 4-Dimethylaminoazo-benzene, CAS No. 60117.
- (m) N-Nitrosodimethylamine, CAS No. 62759.

(2) These rules shall not apply to any of the following:

- (a) Solid or liquid mixtures containing less than 0.1% by weight or volume of any of the following:
 - (i) 4-Nitrobiphenyl.
 - (ii) Methyl chloromethyl ether.
 - (iii) Bis-chloromethyl ether.

- (iv) Beta-Naphthylamine.
- (v) Benzidine.
- (vi) 4-Aminodiphenyl.
- (b) Solid or liquid mixtures containing less than 1.0% by weight or volume of any of the following:
 - (i) Alpha-Naphthylamine.
 - (ii) 3,3'-Dichlorobenzidine (and its salts).
 - (iii) Ethyleneimine.
 - (iv) Beta-Propiolactone.
 - (v) 2-Acetylaminofluorene.
 - (vi) 4-Dimethylaminoazobenzene.
 - (vii) N-Nitrosodimethylamine.

R 325.35002 Definitions.

Rule 2. As used in these rules:

- (a) “Absolute filter” means a filter capable of retaining 99.97% of a mono disperse aerosol of 0.3 um particles.
- (b) “Authorized employee” means an employee whose duties require him or her to be in the regulated area and who has been specifically assigned by the employer.
- (c) “Carcinogens” means all materials covered in the scope of these rules as described in R 325.35001.
- (d) “Clean change room” means a room where employees put on clean clothing, protective equipment, or both, in an environment free of the carcinogens listed in R 325.135001 (1).
- (e) “Closed system” means an operation involving a carcinogen where containment prevents the release of the material into regulated areas, non-regulated areas, or the external environment.
- (f) “Decontamination” means the inactivation of a carcinogen or its safe disposal.
- (g) “Director” means the director of the Michigan department of licensing and regulatory affairs or his or her designee.
- (h) “Disposal” means the safe removal of the carcinogens from the work environment.
- (i) “Emergency” means an unforeseen circumstance or set of circumstances resulting in the release of a carcinogen that may result in exposure to or contact with the material.
- (j) “External environment” means any environment external to regulated and nonregulated areas.
- (k) “Isolated system” means a fully enclosed structure other than the vessel of containment of a carcinogen that is impervious to the passage of the material and would prevent the entry of the carcinogen into regulated areas, nonregulated areas, or the external environment if leakage or spillage from the vessel of containment occurs.
- (l) “Laboratory-type hood” means a device which is enclosed on the 3 sides and the top and bottom, which is designed and maintained so as to draw air inward at an average linear face velocity of 150 feet per minute with a minimum of 125 feet per minute, and which is designed, constructed, and maintained so that an operation involving a carcinogen within the hood does not require the insertion of any portion of any employee's body other than his or her hands and arms.
- (m) “Nonregulated area” means any area under the control of the employer where entry and exit is neither restricted nor controlled.
- (n) “Open-vessel system” means an operation involving a carcinogen in an open vessel that is not in an isolated system, a laboratory-type hood, nor in any other system affording equivalent protection against the entry of the material into regulated areas, non-regulated areas, or the external environment.
- (o) “Protective clothing” means clothing designed to protect an employee against contact with or exposure to a carcinogen.
- (p) “Regulated area” means an area where entry and exit is restricted and controlled.

R 325.35002a MIOSHA standards by reference.

Rule 2a. The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

- (a) Occupational Health Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.
- (b) Occupational Health Part 451 “Respiratory Protection,” R 325.60051 to R 325.60052.
- (c) Occupational Health Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.
- (d) Occupational Health Part 474 “Sanitation,” R 325.47401 to R 325.47425.

R 325.35003 Requirements for areas containing a carcinogen.

Rule 3. (1) An employer shall ensure that a regulated area be established where a carcinogen is manufactured, processed, used, repackaged, released, handled, or stored.

(2) All areas shall be controlled in accordance with the requirements for the following category or categories describing the operation involved:

(a) Isolated systems. An employer shall ensure that if an isolated system is used, the employees working with a carcinogen within an isolated system such as a “glove box” wash their hands and arms upon completion of the assigned task and before engaging in other activities not associated with the isolated system.

(b) Closed system operation. An employer shall ensure that access to regulated areas be restricted to authorized employees where the carcinogens are stored in sealed containers, or contained in a closed system, including piping systems, with any sample ports or openings closed while the carcinogens are contained within.

(3) If employees are exposed to any of the following, then employers shall ensure that employees wash hands, forearms, face, and neck upon each exit from the regulated areas, close to the point of exit, and before engaging in other activities:

- (a) 4-Nitrobiphenyl.
- (b) Alpha-Naphthylamine.
- (c) 3,3'-Dichlorobenzidine (and its salts).
- (d) Beta-Naphthylamine.
- (e) Benzidine.
- (f) 4-Aminodiphenyl.
- (g) 2-Acetylaminofluorene.
- (h) 4-Dimethylaminoazo-benzene.
- (i) N-Nitrosodimethylamine.

(4) An employer shall ensure that open-vessel system operations as defined in R 325.35002—(4) are prohibited.

(5) An employer shall ensure compliance with all of the following provisions when operations involve “laboratory-type hoods” or are in locations where carcinogens are contained in an otherwise “closed system,” but are transferred, charged, or discharged into other normally closed containers:

- (a) Access shall be restricted to authorized employees only.
- (b) Each operation shall be provided with continuous local exhaust ventilation so that air movement is always from ordinary work areas to the operation. Exhaust air shall not be discharged to regulated areas,

nonregulated areas, or the external environment unless decontaminated. Clean makeup air shall be introduced in sufficient volume to maintain the correct operation of the local exhaust system.

(c) Employees shall be provided with, and required to wear, clean, full body protective clothing, such as smocks, coveralls, or long-sleeved shirt and pants, shoe covers, and gloves before entering a regulated area.

(d) An employer shall provide each employee engaged in handling operations involving carcinogens addressed by this rule, with, and ensure that each of these employees wears and uses, a NIOSH-certified air-purifying, half-mask respirator with particulate filters for all of the following:

- (i) 4-Nitrobiphenyl
- (ii) Alpha- Naphthylamine
- (iii) 3,3'-Dichlorobenzidine (and its salts)
- (iv) Beta- Naphthylamine
- (v) Benzidine
- (vi) 4-Aminodiphenyl
- (vii) 2-Acetylaminofluorene
- (viii) 4-Dimethylaminoazo-benzene
- (ix) N-Nitrosodimethylamine

(e) An employer shall provide each employee engaged in handling operations involving the carcinogens addressed by this rule, with, and ensure that each of these employees wears and uses any self-contained breathing apparatus that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode, or any supplied-air respirator that has a full facepiece and is operated in a pressure-demand or other positive-pressure mode in combination with an auxiliary self-contained positive-pressure breathing apparatus for all of the following:

- (i) Methyl chloromethyl ether
- (ii) Bis-Chloromethyl ether
- (iii) Ethyleneimine
- (iv) Beta-Propiolactone

(f) An employer may substitute a respirator affording employees higher levels of protection than the respirators specified in subrule (6) (d) and (e).

(g) Before each exit from a regulated area, an employer shall require employees to remove and leave protective clothing and equipment at the point of exit and at the last exit of the day and to place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. The contents of the impervious containers shall be identified in accordance with R 325.35006a, R 325.35007, and R 325.35008.

(h) Drinking fountains are prohibited in a regulated area.

(i) Employees shall be required to wash hands, forearms, face, and neck on each exit from the regulated area, close to the point of exit, and before engaging in other activities. An employer shall require employees exposed to any of the following to shower after the last exit of the day:

- (i) 4-Nitrobiphenyl.
- (ii) Alpha-Naphthylamine.
- (iii) 3,3'-Dichlorobenzidine (and its salts).
- (iv) Beta-Naphthylamine.
- (v) Benzidine.
- (vi) 4-Aminodiphenyl.
- (vii) 2-Acetylaminofluorene.
- (viii) 4-Dimethylaminoazo-benzene.
- (ix) N-Nitrosodimethylamine.

(6) If cleanup of leaks of spills, maintenance, or repair operations on contaminated systems or equipment, or any operations involving work in an area where direct contact with a carcinogen could result, then an employer shall ensure that each authorized employee entering that area comply with all of the following requirements:

(a) Be provided with and required to wear clean, impervious garments, including gloves, boots, and a continuous air-supplied hood in accordance with Occupational Health Standard Part 451 “Respiratory Protection,” as referenced in R 325.35002a.

(b) Be decontaminated before removing the protective garments and hood.

(c) Shower upon removing the protective garments and hood.

(7) Laboratory activities. All of the following requirements apply to research and quality control activities involving the use of a carcinogen:

(a) Mechanical pipetting aids shall be used for all pipetting procedures.

(b) Experiments, procedures, and equipment that could produce aerosols shall be confined to laboratory-type hoods or glove boxes.

(c) Surfaces on which a carcinogen is handled shall be protected from contamination.

(d) Contaminated wastes and animal carcasses shall be collected in impervious containers that are closed and decontaminated before removal from the work area. The wastes and carcasses shall be incinerated in a manner so that carcinogenic products are not released.

(e) All other forms of carcinogens shall be inactivated before disposal.

(f) Laboratory vacuum systems shall be protected with high-efficiency scrubbers or with disposable absolute filters.

(g) An employer shall ensure that all of the following provisions are met for employees engaged in animal support activities:

(i) Employees shall be provided, and required to wear, a complete protective clothing change, clean each day, including coveralls, or pants and shirt, foot covers, head covers, gloves, and appropriate respiratory protective equipment or devices.

(ii) Employees shall remove and leave protective clothing and equipment at the point of exit before each exit from a regulated area and at the last exit of the day and place used clothing and equipment in impervious containers at the point of exit for purposes of decontamination or disposal. Containers shall comply with requirements set forth in R 325.35008.

(iii) Employees shall wash hands, forearms, face, and neck upon each exit from a regulated area close to the point of exit and before engaging in other activities.

(iv) Employees shall shower after the last exit of the day.

(h) Air pressure in laboratory areas and animal rooms where a carcinogen is handled and bioassay studies are performed shall be negative in relation to the pressure in surrounding areas. Exhaust air shall not be discharged to regulated areas, nonregulated areas, or the external environment unless decontaminated.

(i) There shall not be a connection between regulated areas and any other areas through the ventilation system.

(j) An employer shall maintain a current inventory of carcinogens.

(k) Ventilated apparatus, such as laboratory-type hoods, shall be tested at least semiannually or immediately after ventilation modification or maintenance operations, by personnel who are fully qualified to certify correct containment and operation.

R 325.35004 General regulated area requirements.

Rule 4. (1) An employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451 “Respiratory Protection,” 29 C.F.R. Rules 1910.134 (b), (c),

(d), (except (d) (1) (iii) and (iv), and (d) (3)), and (e) through (m), as referenced in R 325.35002a, which covers each employee required by these rules to use a respirator.

(2) An employer shall ensure that in an emergency, immediate measures are implemented, including, but not limited to, all of the following measures:

(a) Evacuate the potentially affected area as soon as the emergency has been determined.

(b) Eliminate the hazardous conditions created by the emergency and decontaminate the potentially affected area before resuming normal operations.

(c) Special medical surveillance by a physician shall be instituted within 24 hours for employees present in the potentially affected area at the time of the emergency.

(d) Employees shall shower as soon as possible, unless contraindicated by physical injuries, when an employee has a known contact with a carcinogen.

(e) Emergency deluge showers and eyewash fountains supplied with running potable water shall be located near, within sight of, and on the same level as, locations where a direct exposure to ethyleneimine or beta-Propiolactone only would be most likely as a result of equipment failure or improper work practice.

R 325.35005 Hygiene facilities and practices.

Rule 5. (1) An employer shall take measures to prevent all of the following in regulated areas:

(a) The storage or consumption of food.

(b) The storage or use of containers of beverages.

(c) The storage or application of cosmetics.

(d) Smoking.

(e) The storage of smoking materials, tobacco products, or other products for chewing.

(f) The chewing of the items specified in subdivision (e) of this subrule.

(2) If employees are required by these rules to wash, then washing facilities shall be provided in accordance with Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.35002a.

(3) If employees are required by these rules to shower, then shower facilities shall be provided in accordance with Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.35002a.

(4) If employees wear protective clothing and equipment, then clean change rooms shall be provided for the number of employees who are required to change clothes in accordance with Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.35002a.

(5) Clean change room shall be contiguous to and have an entry from a shower room.

(6) If toilets are in regulated areas, then the toilets shall be in a separate room.

HAZARD COMMUNICATION

R 325.35006a Hazard communication, generally.

Rule 6a. (1) Chemical manufacturers, importers, distributors and employers shall comply with Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.35002a, for each carcinogen listed in subrule (4) of this rule.

(2) In classifying the hazards of carcinogens listed in subrule (4) of this rule, at a minimum the hazards listed in subrule (4) of this rule are to be addressed.

(3) Employers shall include the carcinogens listed in subrule (4) of this rule in the hazard communication program established to comply with Occupational Health Standard Part 430 “Hazard Communication.” Employers shall ensure that each employee has access to labels on containers of the carcinogens listed in subrule (4) of this rule, and to safety data sheets, and is trained in accordance with the requirements of subrule (4) of this rule and Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.35002a.

- (4) All of the following carcinogens are included:
- (a) 4-Nitrobiphenyl: Cancer.
 - (b) alpha-Naphthylamine: Cancer; skin irritation; and acute toxicity effects.
 - (c) Methyl chloromethyl ether: Cancer; skin, eye and respiratory effects; acute toxicity effects; and flammability.
 - (d) 3,3'-Dichlorobenzidine (and its salts): Cancer and skin sensitization.
 - (e) bis-Chloromethyl ether: Cancer; skin, eye, and respiratory tract effects; acute toxicity effects; and flammability.
 - (f) beta-Naphthylamine: Cancer and acute toxicity effects.
 - (g) Benzidine: Cancer and acute toxicity effects.
 - (h) 4-Aminodiphenyl: Cancer.
 - (i) Ethyleneimine: Cancer; mutagenicity; skin and eye effects; liver effects; kidney effects; acute toxicity effects; and flammability.
 - (j) beta-Propiolactone: Cancer; skin irritation; eye effects; and acute toxicity effects.
 - (k) 2-Acetylaminofluorene: Cancer.
 - (l) 4-Dimethylaminoazo-benzene: Cancer; skin effects; and respiratory tract irritation.
 - (m) N-Nitrosodimethylamine: Cancer; liver effects; and acute toxicity effects.

R 325.35007 Signs.

Rule 7. (1) An employer shall ensure that entrances to regulated areas are posted with signs bearing the following legend:

DANGER (CHEMICAL IDENTIFICATION) MAY CAUSE CANCER AUTHORIZED PERSONNEL ONLY
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(2) The employer shall post signs at entrances to regulated areas containing operations covered in R 325.35003 (7). The signs shall bear the following legend:

DANGER (CHEMICAL IDENTIFICATION) MAY CAUSE CANCER WEAR AIR-SUPPLIED HOODS, IMPERVIOUS SUITS, AND PROTECTIVE EQUIPMENT IN THIS AREA AUTHORIZED PERSONNEL ONLY
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(3) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (1) of this rule:

CANCER-SUSPECT AGENT AUTHORIZED PERSONNEL ONLY

(4) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (2) of this rule:

CANCER-SUSPECT AGENT EXPOSED IN THIS AREA IMPERVIOUS SUIT INCLUDING GLOVES, BOOTS, AND AIR-SUPPLIED HOOD REQUIRED AT ALL TIMES AUTHORIZED PERSONNEL ONLY

(3) An employer shall ensure that appropriate signs and instructions are posted at the entrance to, and exit from, regulated areas, informing employees of the procedures that must be followed in entering and leaving a regulated area.

R 325.35008 Container labeling.

Rule 8. An employer shall ensure that nothing shall appear on or near any required sign, label, or instruction that contradicts or detracts from the effect of any required warning, information, or instruction.

R 325.35009 Training and indoctrination.

Rule 9. (1) An employer shall ensure that each authorized employee, before entering a regulated area and annually, receives training that includes, but is not limited to, all of the following:

- (a) The nature of the carcinogenic hazards of a carcinogen to include local and systemic toxicity.
- (b) The specific nature of the operation involving a carcinogen that could result in exposure.
- (c) The purpose for and application of the medical surveillance program, including, as appropriate, methods of self-examination.
- (d) The purpose for and application of decontamination practices and purposes.
- (e) The purpose for and significance of emergency practices and procedures.
- (f) The employee's specific role in emergency procedures.
- (g) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of a carcinogen.
- (h) The purpose for and application of specific first aid procedures and practices.

(2) An employer shall ensure that specific emergency procedures are prescribed, and posted, and that employees are familiarized with emergency procedures terminology, and that the procedures are rehearsed.

(3) All materials relating to the program shall be provided upon request to the director of the department of licensing and regulatory affairs or his or her authorized representative.

R 325.35010 Rescinded.

R 325.35011 Medical surveillance, examinations, and medical records.

Rule 11. (1) An employer shall establish and implement, at no cost to employees, a medical surveillance program for employees considered for assignment to enter regulated areas.

(2) An employer shall ensure that a preassignment physical examination by a physician is provided before an employee is assigned to enter a regulated area. The examination shall include the personal history of the employee, family, and occupational background, including genetic and environmental factors.

(3) An employer shall provide periodic physical examinations, at least annually, for authorized employees after the preassignment examination.

(4) For all physical examinations, an employer shall ensure that the examining physician consider whether there exist conditions of increased risk, including reduced immunological competence, treatment with steroids or cytotoxic agents, pregnancy, or cigarette smoking.

(5) Employers of employees examined pursuant to this rule shall maintain complete and accurate records of all medical examinations. Records shall be maintained for the duration of the employee's employment.

(6) An employer shall ensure that records required by this rule be provided upon request in compliance with Occupational Health Standard Part 470, "Employee Medical Records and Trade Secrets," as referenced in R 325.35002a. The records shall also be provided, upon request, to the director of the department of licensing and regulatory affairs.

(7) A physician who conducts a medical examination required by this rule shall furnish to the employer a statement of the employee's suitability for employment in the specific exposure.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on September 18, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a (6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-1 and 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030)

R 325.51401, R 325.51402, R 325.51404, R 325.51405, R 325.51406, R 325.51407, R 325.51409, R 325.51411, R 325.51412, R 325.51413, and R 325.51414 are amended to the Michigan Administrative code and R 325.51401a and R 325.51411a are added, as follows:

PART 302 VINYL CHLORIDE

R 325.51401 Scope and application.

Rule 1. (1) These rules specify the requirements for the control of employee exposure to vinyl chloride (chloroethene), chemical abstracts service registry no. 75014.

(2) These rules apply to the manufacture, reaction, packaging, repackaging, storage, handling, or use of vinyl chloride or polyvinyl chloride, but do not apply to the handling or use of fabricated products made of polyvinyl chloride.

(3) These rules apply to the transportation of vinyl chloride or polyvinyl chloride, except to the extent that the United States department of transportation regulates the hazards covered by these rules.

R 325.51401a Reference of standards.

Rule 1a. (1) The following occupational safety and health administrative standards are referenced in this standard. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Occupational Health Standard Part 430 "Hazard Communication," R 325.77001 to R 325.77003.

(b) Occupational Health Standard Part 451 "Respiratory Protection," being R 325.60051 to R 325.60052.

(c) Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," being R 325.3451 to R 325.3476.

(2) The Appendix to these rules is informational only and is not intended to create any additional obligations or requirements not otherwise imposed by these rules or to detract from any established obligations or requirements.

R 325.51402 Definitions.

Rule 2. (1) For purposes of this standard, the following definitions shall apply:

(a) “Action level” means a concentration of vinyl chloride of 0.5 ppm averaged over an 8-hour work day.

(b) “Authorized person” means any person specifically authorized by the employer whose duties require him or her to enter a regulated area or any person entering an area as a designated representative of employees for the purpose of exercising an opportunity to observe monitoring and measuring procedures.

(c) “Director” means the director of the Michigan department of licensing and regulatory affairs or his or her designee.

(d) “Emergency” means any occurrence such as equipment failure, or operation of a relief device which is likely to, or does, result in massive release of vinyl chloride.

(e) “Fabricated product” means a product made wholly or partly from polyvinyl chloride, and which does not require further processing at temperatures, and for times, sufficient to cause mass melting of the polyvinyl chloride resulting in the release of vinyl chloride.

(f) “Hazardous operation” means an operation, procedure, or activity where a release of either vinyl chloride liquid or gas might be expected as a consequence of the operation or because of an accident in the operation, which would result in an employee exposure in excess of the permissible exposure limit.

(g) “Polyvinyl chloride” means polyvinyl chloride homopolymer or copolymer before conversion to a fabricated product.

(h) “Vinyl chloride” means vinyl chloride monomer.

R 325.51404 Monitoring.

Rule 4. (1) An employer shall undertake a program of initial monitoring and measurement in each establishment to determine if there is any employee exposed, without regard to the use of respirators, in excess of the action level.

(2) If a determination conducted under subrule (1) of this rule shows any employee exposures, without regard to the use of respirators, in excess of the action level, then an employer shall establish a program for determining exposures for each² employee as determined under subrule (1) of this rule.

The following requirements apply to the program:

(a) Shall be repeated at least quarterly if an employee is exposed, without regard to the use of respirators, in excess of the permissible exposure limit.

(b) Shall be repeated not less than every 6 months quarterly if an employee is exposed, without regard to the use of respirators, in excess of the action level.

(c) May be discontinued for an employee only if at least 2 consecutive monitoring determinations, made not less than 5 working days apart, show exposures for the employee at or below the action level.

(3) If there is a production, process, or control change which may result in an increase in the release of vinyl chloride, or the employer has any other reason to suspect that any employee may be exposed in excess of the action level, then the employer shall ensure that a determination of employee exposure under subrule (1) of this rule is performed.

(4) An employer shall ensure that the method of monitoring and measurement has an accuracy, ~~—(with~~ a confidence level of 95 percent), of not less than plus or minus 50 percent from 0.25 through 0.5 ppm, plus or minus 35 percent from over 0.5 ppm through 1.0 ppm, and plus or minus 25 percent over 1.0

ppm. Methods meeting these accuracy requirements are available in the “NIOSH Manual of Analytical Methods”.

(5) An employee or a designated representative shall be afforded reasonable opportunity to observe the monitoring and measuring required by these rules.

R 325.51405 Regulated area.

Rule 5. (1) An employer shall establish a regulated area where both of the following conditions occur:

- (a) Vinyl chloride or polyvinyl chloride is manufactured, reacted, repackaged, stored, handled or used.
- (b) Vinyl chloride concentrations are in excess of the permissible exposure limit.

(2) An employer shall limit access to regulated areas to authorized persons. A daily roster shall be made of authorized persons who enter.

R 325.51406 Methods of compliance.

Rule 6. An employer shall ensure that employee exposure to vinyl chloride is controlled to, at, or below the permissible exposure limit provided in R 325.51403 by the following engineering, work practice, and personal protective controls:

(a) Feasible engineering and work practice controls shall immediately be used to reduce exposures to, at, or below the permissible exposure limit.

(b) If feasible engineering and work practice controls which can be instituted immediately are not sufficient to reduce exposures to, at, or below the permissible exposure limit, then the controls shall nonetheless be used to reduce exposures to the lowest practicable level, and shall be supplemented by respiratory protection in accordance with R 325.51407. An employer shall establish and implement a program to reduce exposures to, at, or below the permissible exposure limit, or to the greatest extent feasible, solely by means of engineering and work practice controls, as soon as it is feasible.

(c) An employer shall develop written plans for a program and furnish the plans upon request for examination and copying to the authorized representatives of the director. The plans shall be updated at least annually.

R 325.51407 Respiratory protection.

Rule 7. (1) For employees who use respirators required by these rules, an employer shall provide each employee an appropriate respirator that complies with the requirements of these rules.

(2) An employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451, “Respiratory Protection,” 29 C.F.R. Rules §1910.134 (c) to (d) and (f) to (m), except for (d) (1) (iii) and (d) (3) (iii) (B) (1) and (2), as referenced in R 325.51401a.

(3) An employer shall do all of the following:

(a) Select, and provide to employees, the appropriate respirators specified in paragraph (d) (3) (i) (A) of Occupational Health Standard Part 451 ‘Respiratory Protection,’ as referenced in R 325.51401a.

(b) Provide an organic vapor cartridge that has a service life of at least 1 hour when using a chemical cartridge respirator at vinyl chloride concentrations up to 10 ppm.

(c) Select a canister that has a service life of at least 4 hours when using a powered air-purifying respirator having a hood, helmet, or full or half facepiece, or a gas mask with a front-or back-mounted canister, at vinyl chloride concentrations up to 25 ppm.

(4) Both of the following apply when air-purifying respirators are used:

(a) An employer shall replace air-purifying canisters or cartridges before the expiration of their service life or the end of the shift in which they are first used, whichever occurs first.

(b) An employer shall provide a continuous monitoring and alarm system where concentrations of vinyl chloride could reasonably exceed the allowable concentrations for the devices in use. An employer

shall use the system to alert employees when vinyl chloride concentrations exceed the allowable concentrations for the devices in use.

(5) An employer may use apparatus prescribed for higher concentrations for any lower concentration.

R 325.51409 Emergency situations.

Rule 9. An employer shall develop a written operations plan for emergency situations for each facility storing, handling, or otherwise using vinyl chloride as a liquid or compressed gas. Appropriate portions of the plan shall be implemented in the event of an emergency. The plan shall specifically provide the following:

(a) Employers shall equip employees engaged in hazardous operations or correcting situations of existing hazardous releases as required in R 325.51408.

(b) Employers shall ensure that other employees not equipped in accordance with subdivision (a) of this rule shall evacuate the area and not return until conditions are controlled by the methods required in R 325.51406 and the emergency is abated.

R 325.51411 Medical surveillance.

Rule 11. (1) An employer shall institute a program of medical surveillance for each employee exposed, without regard to the use of respirators, to vinyl chloride in excess of the action level.

The employer shall provide each exposed employee with an opportunity for examinations and tests in accordance with this subrule. Both of the following shall be provided:

(a) The employer shall ensure that all medical examinations and procedures be performed by or under the supervision of a licensed physician.

(b) The medical examinations and procedures shall be provided without cost to the employee.

(2) An employer shall ensure that at the time of initial assignment, or upon institution of medical surveillance, the following requirements are met:

(a) A general physical examination shall be performed, with specific attention to detecting enlargement of liver, spleen or kidneys, or dysfunction in these organs, and for abnormalities in skin, connective tissues and the pulmonary system (See Appendix A of this rule).

(b) A medical history shall be taken, to include all of the following information:

(i) Alcohol intake.

(ii) Past history of hepatitis.

(iii) Work history and past exposure to potential hepatotoxic agents, including drugs and chemicals.

(iv) Past history of blood transfusions.

(v) Past history of hospitalizations.

(c) A serum specimen shall be obtained and determinations made of all of the following:

(i) Total bilirubin.

(ii) Alkaline phosphatase.

(iii) Serum glutamic oxalacetic transaminase (SGOT).

(iv) Serum glutamic pyruvic transaminase (SGPT).

(v) Gamma glutamyl transpeptidase.

(3) An employer shall ensure that examinations provided in accordance with these rules are performed at least the following:

(a) Every 6 months for each employee who has been employed in vinyl chloride or polyvinyl chloride manufacturing for 10 years or longer.

(b) Annually for all other employees.

(4) An employer shall ensure that each employee exposed to an emergency is afforded appropriate medical surveillance.

(5) An employer shall obtain from the examining physician promptly after any examination a statement of each employee's suitability for continued exposure to vinyl chloride including use of protective equipment and respirators. An employer shall provide a copy of the physician's statement to each employee.

(6) An employer shall withdraw an employee from possible contact with vinyl chloride if the employee's health would be materially impaired by continued exposure.

(7) An employer shall ensure that laboratory analyses for all biological specimens included in medical examinations be performed by accredited laboratories.

(8) If the examining physician determines that alternative medical examination to those required by subrule (2) of this rule will provide at least equal assurance of detecting medical conditions pertinent to the exposure to vinyl chloride, then the employer may accept the alternative examinations as meeting the requirements of subrule (2) of this rule. The employer shall obtain a statement from the examining physician setting forth the alternative examinations and the rationale for substitution. This statement shall be available upon request for examination and copying by the director.

HAZARD COMMUNICATION

R 325.51411a Hazard communication--general.

Rule 11a. (1) Chemical manufacturers, importers, distributors and employers shall comply with all requirements of the Occupational Health Standard Part 430 "Hazard Communication," as referenced in R 325.51401a, for vinyl chloride and polyvinyl chloride.

(2) In classifying the hazards of vinyl chloride, at least all of the following hazards are to be addressed:

- (a) Cancer.
- (b) Central nervous system effects.
- (c) Liver effects.
- (d) Blood effects.
- (e) Flammability.

(3) An employer shall include vinyl chloride in the hazard communication program established to comply with the requirements of Occupational Health Standard Part 430 "Hazard Communication." as referenced in R 325.51401a. An employer shall ensure that each employee has access to labels on containers of vinyl chloride and to safety data sheets and is trained in accordance with the requirements of R 325.51410 of this rule and Occupational Health Standard Part 430 "Hazard Communication."

R 325.51412 Signs and labels.

Rule 12 (1) The employer shall post entrances to regulated areas with legible signs bearing the following legend:

DANGER VINYL CHLORIDE MAY CAUSE CANCER AUTHORIZED PERSONNEL ONLY

(2) The employer shall post signs at areas containing hazardous operations or where emergencies currently exist. The signs shall be legible and bear the following legend:

DANGER
VINYL CHLORIDE
MAY CAUSE CANCER
WEAR RESPIRATORY PROTECTION AND
PROTECTIVE CLOTHING IN THIS AREA
AUTHORIZED PERSONNEL ONLY

(3) Prior to June 1, 2016, an employer may use the following legend in lieu of that specified in subrule (1) of this rule:

CANCER-SUSPECT AGENT AREA
AUTHORIZED PERSONNEL ONLY

(4) Prior to June 1, 2016, an employer may use the following legend in lieu of that specified in subrule (2) of this rule:

CANCER-SUSPECT AGENT IN THIS AREA
PROTECTIVE EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY

(5) In addition to the other requirements in this rule, the employer shall ensure that labels for containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride are legible and include the following information:

CONTAMINATED WITH VINYL CHLORIDE
MAY CAUSE CANCER

(6) Prior to June 1, 2015, an employer may include the following information on labels of containers of polyvinyl chloride resin waste from reactors or other waste contaminated with vinyl chloride in lieu of the labeling requirements in subrule (5) of this rule:

CONTAMINATED WITH VINYL CHLORIDE
CANCER-SUSPECT AGENT

(7) Prior to June 1, 2015, an employer may include the following information for containers of polyvinyl chloride in lieu of the labeling requirements of R 325.51411a of this rule:

POLYVINYL CHLORIDE (or Trade Name)
contains VINYL CHLORIDE
VINYL CHLORIDE IS A CANCER-SUSPECT AGENT

(8) Prior to June 1, 2015, an employer may include either the following information in this subrule or the information in subrule (9) of this rule, on containers of vinyl chloride in lieu of the labeling requirements in R 325.51411a:

VINYL CHLORIDE EXTREMELY FLAMMABLE GAS UNDER PRESSURE CANCER-SUSPECT AGENT

(9) An employer shall ensure that in accordance with 49 C.F.R., Parts 170-189 (United States Department of Transportation regulations), the additional following legend is applied near the label or placard:

CANCER-SUSPECT AGENT

(10) An employer shall ensure that no statement shall appear on or near any required sign, label, or instruction which contradicts or detracts from the effect of any required warning, information, or instruction.

R 325.51413 Records.

Rule 13. (1) An employer shall ensure that all records maintained in accordance with these rules include the name and social security number of each employee, if relevant.

(2) An employer shall keep records of required monitoring and measuring, medical records, and authorized personnel rosters in accordance with the requirements of Occupational Health Standard Part 470, "Employee Medical Records and Trade Secrets," as referenced in R 325.51401a. An employer shall make the records available to the director for examination and copying.

(3) An employer shall ensure that monitoring and measuring records comply with all of the following requirements:

(a) State the date of the monitoring and measuring and the concentrations determined and identify the instruments and methods used.

(b) Include any additional information necessary to determine individual employee exposures where exposures are determined by means other than individual monitoring of employees.

(c) Are maintained for not less than 30 years.

(4) An employer shall maintain authorized personnel rosters for not less than 30 years.

(5) An employer shall maintain medical records for the duration of employment of each employee plus 20 years, or for 30 years, whichever is longer.

R 325.51414 Reports.

Rule 14. Within 15 working days following any monitoring and measuring which discloses that any employee has been exposed, without regard to the use of respirators, in excess of the permissible exposure limit, an employer shall notify each exposed employee, in writing, of the results of the exposure measurement and the steps being taken to reduce the exposure to within the permissible exposure limit.

APPENDIX A

SUPPLEMENTARY MEDICAL INFORMATION

When required tests under R 325.51411 (2) show abnormalities, the tests should be repeated as soon as practicable, preferably within 3 to 4 weeks. If tests remain abnormal, consideration should be given to withdrawal of the employee from contact with vinyl chloride, while a more comprehensive examination is made.

Additional tests which may be useful:

- A. For kidney dysfunction: Urine examination for albumin, red blood cells, and exfoliative abnormal cells.
- B. Pulmonary system: Forced vital capacity, forced expiratory volume at 1 second, and chest roentgenogram (posterior-anterior, 14 x 17 inches).
- C. Additional serum tests: Lactic acid dehydrogenase, lactic acid dehydrogenase isoenzyme, protein determination, and protein electrophoresis.
- D. For a more comprehensive examination on repeated abnormal serum tests: Hepatitis B antigen, and liver scanning.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on September 18, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.50101, R 325.50102, R 325.50105, R 325.50106, R 325.50107, R 325.50108, R 325.50109, R 325.50110, R 325.50111, R 325.50114, R 325.50115, R 325.50116, R 325.50117, R 325.50118, R 325.50119, R 325.50121, R 325.50123, R 325.50124, R 325.50125, R 325.50128, R 325.50129, R 325.50130, R 325.50131, R 325.50132, R 325.50133, R 325.50134, R 325.50135 of the Michigan Administrative Code are amended, R 325.50100, R 325.50102a, R 325.50106a, and R 325.50129a are added, and R 325.50136 is rescinded, as follows:

PART 314. COKE OVEN EMISSIONS

R 325.50100 Scope and application.

Rule 100. This rule applies to the control of employee exposure to coke oven emissions, except that this rule shall not apply to working conditions under which other federal and state agencies exercise statutory authority to prescribe or enforce standards affecting occupational safety and health.

R 325.50101 Definitions; A to E.

Rule 101. (1) "Authorized person" means a person specifically required by the employer to enter a regulated area or a person entering a regulated area as a designated representative of employees for the purpose of observing the monitoring and measuring procedures under R 325.50135.

(2) "Beehive oven" means a coke oven in which the products of carbonization other than coke are not recovered, but are released into the ambient air.

(3) "Coke oven" means a retort in which coke is produced by the destructive distillation or carbonization of coal.

(4) "Coke oven battery" means a structure containing a number of slot-type coke ovens.

(5) "Coke oven emissions" means the soluble fraction of total particulate matter present during the destructive distillation or carbonization of coal for the production of coke as determined by benzene extraction or an equivalent analytical method.

(6) “Director” means the director of the Michigan department of licensing and regulatory affairs or his or her authorized representative.

(7) “Emergency” means an occurrence, such as, but not limited to, equipment failure, that is likely to, or does, result in a massive release of coke oven emissions.

(8) “Existing coke oven battery” means a battery which is in operation or under construction on January 20, 1977, and which is not a rehabilitated coke oven battery.

R 325.50102 Definitions; G to S.

Rule 102. (1) “Green push” means coke that, when removed from the oven, results in emissions due to the presence of incompletely coked coal.

(2) “Pipeline charging” means an apparatus used to introduce coal into an oven which uses a pipe or duct permanently mounted onto an oven and through which coal is charged.

(3) “Rehabilitated coke oven battery” means a battery that is rebuilt, overhauled, renovated, or restored from the pad up after January 20, 1977.

(4) “Sequential charging” means a procedure, usually automatically timed, by which a predetermined volume of coal in each larry car hopper is introduced into an oven so that not more than 2 hoppers commence or finish discharging simultaneously although, at some point, all hoppers are discharging simultaneously.

(5) “Stage charging” means a procedure by which a predetermined volume of coal in each larry car hopper is introduced into an oven so that not more than 2 hoppers are discharging simultaneously.

R 325.50102a MIOSHA standards by reference, appendices.

Rule 102a. (1) The following Michigan occupational safety and health administration (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(b) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(c) Occupational Health Standard Part 451 “Respiratory Protection,” being R 325.60051 to R 325.60052.

(d) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

(2) The information contained in the appendices to these rules is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligation.

R 325.50105 Exposure monitoring and measurements; accuracy of methods; notifications to employees; corrective actions.

Rule 105. (1) An employer who has a place of employment where coke oven emissions are present shall monitor employees working in the regulated area to measure their exposure to coke oven emissions.

(2) An employer shall obtain measurements which are representative of each employee’s exposure to coke oven emissions over an 8-hour period. All measurements shall determine exposure without regard to the use of respiratory protection.

(3) An employer shall collect full-shift, ~~(for not less than 7 continuous hours)~~, personal samples, or shall employ other equivalent monitoring procedures, including at least 1 sample during each shift for each battery and each job classification, including maintenance personnel, within the regulated areas.

(4) An employer shall repeat the monitoring and measurements required by this rule at least once every 3 months.

(5) If a production, process, or control change is made which may result in new or additional exposure to coke oven emissions, or whenever the employer has any other reason to suspect an increase in employee exposure, the employer shall repeat the monitoring and measurements required by this rule for those employees affected by such change or suspected increase.

(6) An employer shall use a method of monitoring and measurement which has an accuracy, ~~(with a confidence level of 95%)~~, of not less than plus or minus 35% for concentrations of coke oven emissions greater than; or equal to 150 ug/m³.

(7) An employer shall, within 15 working days after the receipt of the results of any monitoring performed under these rules, notify each affected employee of these results either individually in writing or by posting the results in an appropriate location that is accessible to employees.

(8) If exposure measurements indicate that the representative employee exposure exceeds the permissible exposure limit, the employer shall, in such notification, inform each employee of that fact and of the corrective action being taken to reduce exposure to or below the permissible exposure limit.

R 325.50106 Compliance programs.

Rule 106. (1) An employer shall establish and implement a written program to reduce exposures to coke oven emissions solely by means of the engineering and work practice controls required in R 325.50107 to R 325.50116.

(2) The written program shall include, at least all of the following:

(a) A description of each coke oven operation by battery, including; work force and operating crew, coking time, operating procedures, and maintenance practices.

(b) Engineering plans and other studies used to determine the controls for the coke battery.

(c) A report of the technology considered in meeting the permissible exposure limit.

(d) A monitoring program in accordance with R 325.50105.

(e) A detailed schedule for the implementation of the engineering and work practice controls required in R 325.50110, R 325.50111, and R 325.50112.

(f) Other relevant information.

(3) If, after implementing all controls required by R 325.50110, R 325.50111, and R 325.50112, or after completion of a new or rehabilitated battery, the permissible exposure limit is still exceeded, an employer shall develop a detailed written program and schedule for the implementation of any additional engineering controls and work practices necessary to reduce exposure to or below the permissible exposure limit.

(4) A written plan for a compliance program shall be submitted, upon request, to the director and shall be available at the worksite for examination and copying by the director, the employee, and the authorized representative. The plan shall be revised and updated at least annually to reflect the current status of the program.

R 325.50106a Methods of compliance and training.

Rule 106a. (1) An employer shall control employee exposure to coke oven emissions by the use of engineering controls, work practices and respiratory protection as described in R 325.50107.

(2) Training in compliance procedures. An employer shall incorporate all written procedures and schedules required in R 325.50106, R 325.50107, R 325.50108, R 325.50109, R 325.50110,

R 325.50111, R 325.50112, R 325.50113, R 325.50114, R 325.50115, R 325.50116, and R 325.50120 in the information and training programs required under R 325.50128 and R 325.50129 and where appropriate, post in the regulated area.

R 325.50107 Priority of compliance methods; existing coke oven batteries.

Rule 107. (1) An employer shall institute the engineering and work practice controls listed in R 325.50110, R 325.50111, and R 325.50112 for existing coke oven batteries at the earliest possible time, but not later than January 20, 1980, except to the extent that the employer can establish that such controls are not feasible.

(2) In determining the earliest possible time for institution of engineering and work practice controls, the requirement, effective August 27, 1971, to implement feasible administrative or engineering controls to reduce exposures to coal tar pitch volatiles, shall be considered. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of R 325.50117.

(3) The engineering and work practice controls required under R 325.50110, R 325.50111, and R 325.50112 are minimum requirements generally applicable to all existing coke oven batteries.

(4) If, after implementing all controls required by R 325.50110, R 325.50111, and R 325.50112, or after January 20, 1980, whichever is sooner, employee exposures still exceed the permissible exposure limit, an employer shall implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(5) Where the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by use of respiratory protection which complies with the requirements of R 325.50117 to R 325.50119.

R 325.50108 Methods of compliance; new or rehabilitated coke oven batteries.

Rule 108. (1) An employer shall institute the best available engineering and work practice controls on all new or rehabilitated coke oven batteries to reduce and maintain employee exposure at or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(2) If, after implementing the best available engineering and work practice controls required by these rules, employee exposures still exceed the permissible exposure limit, an employer shall implement any other engineering and work practice controls necessary to reduce exposure to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(3) If the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposures to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of R 325.50117 to R 325.50119.

R 325.50109 Methods of compliance; beehive ovens.

Rule 109. (1) An employer shall institute engineering and work practice controls on beehive ovens at the earliest possible time to reduce and maintain employee exposures at or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(2) If, after implementing all engineering and work practice controls required by subrule (1) of this rule, employee exposures still exceed the permissible exposure limit, an employer shall implement any

other engineering and work practice controls necessary to reduce exposures to or below the permissible exposure limit, except to the extent that the employer can establish that such controls are not feasible.

(3) If the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposures to or below the permissible exposure limit, an employer shall nonetheless use them to reduce exposure to the lowest level achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of R 325.50117 to R 325.50119.

(4) In determining the earliest possible time for institution of engineering and work practice controls, the requirement, effective August 27, 1971, to implement feasible administrative or engineering controls to reduce exposures to coal tar pitch volatiles, shall be considered.

R 325.50110 Existing coke oven battery; engineering controls during charging operations.

Rule 110. An employer shall equip and operate existing coke oven batteries with all of the following engineering controls to control coke oven emissions during charging operations:

(a) One of the following methods of charging shall be used:

(i) Stage charging as described in R 408.50113(2).

(ii) Sequential charging as described in R 408.50113(2), except that R 408.50113(2)(b)(iv) does not apply to sequential charging.

(iii) Pipeline charging or other forms of enclosed charging in accordance with this rule (1), except subdivisions (b), (d), (e), (f), and (h) of this rule, do not apply.

(b) Drafting from 2 or more points in the oven being charged, through the use of double collector mains or a fixed or moveable jumper pipe system to another oven, to effectively remove the gases from the oven to the collector mains.

(c) Aspiration systems designed and operated to provide sufficient negative pressure and flow volume to effectively move the gases evolved during charging into the collector mains, including sufficient steam pressure, and steam jets of sufficient diameter.

(d) Mechanical volumetric controls on each larry car hopper to provide the proper amount of coal to be charged through each charging hole so that the tunnel head will be sufficient to permit the gases to move from the oven into the collector mains.

(e) Devices to facilitate the rapid and continuous flow of coal into the oven being charged, such as stainless steel liners, coal vibrators, or pneumatic shells.

(f) Individually operated larry car drop sleeves and slide gates or equivalent charge systems designed and maintained so that the gases are effectively removed from the oven into the collector mains.

(g) Mechanized gooseneck and standpipe cleaners.

(h) Air seals on the pusher machine leveler bars to control air infiltration during charging.

(i) Roof carbon cutters or a compressed air system or both on the pusher machine rams to remove roof carbon.

R 325.50111 Existing coke oven battery; engineering controls during coking operations.

Rule 111. The employer shall equip and operate existing coke oven batteries with all of the following engineering controls to control coke oven emissions during coking operations:

(a) A pressure control system on each battery to obtain uniform collector main pressure.

(b) Ready access to door repair facilities to facilitate the prompt and efficient repair of doors, door sealing edges, and all door parts.

(c) An adequate number of spare doors available for replacement purposes.

(d) Chuck door gaskets to control chuck door emissions until such door is repaired or replaced.

(e) Heat shields on door machines.

R 325.50114 Work practice controls; coking.

Rule 114. An employer shall operate existing coke oven batteries pursuant to a detailed written procedure established and implemented for the control of coke oven emissions during coking consisting of at least all of the following elements:

- (a) Checking oven back pressure controls to maintain uniform pressure conditions in the collecting main.
- (b) Repair, replacement, and adjustment of oven doors and chuck doors, and replacement of door jambs to provide a continuous metal-to-metal fit.
- (c) Cleaning of oven doors, chuck doors, and door jambs after each coking cycle to provide an effective seal.
- (d) An inspection system and corrective action program to control door emissions to the maximum extent possible.
- (e) Luting of doors that are sealed by luting after each coking cycle and reluting, replacing, or adjusting as necessary to control leakage.

R 325.50115 Work practice controls; pushing.

Rule 115. An employer shall control coke oven emissions during pushing operations by quenching coke and coal spillage as soon as practicable and not shoveling them into a heated oven, and by a detailed written procedure for each battery established and implemented for the control of emissions during pushing consisting of the following elements:

- (a) Dampening off the ovens and removal of charging hole lids to effectively control coke oven emissions during the push.
- (b) Heating the coal charge uniformly for a sufficient period to obtain proper coking, including the prevention of green pushes.
- (c) Preventing green pushes to the maximum extent possible.
- (d) Inspecting, adjust, and correct heating flue temperatures and defective flues at least once weekly and after any green push, to prevent green pushes.
- (e) Cleaning of heating flues and related equipment at least once weekly and after any green push to prevent green pushes.

R 325.50116 Work practice controls; maintenance and repair.

Rule 116. An employer shall operate existing coke oven batteries pursuant to a detailed written procedure of maintenance and repair established and implemented for the effective control of coke oven emissions consisting of the following elements:

- (a) Regular inspection of all controls, including goosenecks, standpipes, standpipe caps, charger hole lids and castings; regular inspection of jumper standings, jumper pipes, and air seals for cracks, misalignment, or other defects; and prompt implementation of the necessary repairs, as soon as possible.
- (b) Maintaining the regulated area in a neat, orderly condition free of coal and coke spillage and debris.
- (c) Regular inspection of the damper system, aspiration system, and collector main for cracks or leakage, and prompt implementation of the necessary repairs.
- (d) Regular inspection of the heating system and prompt implementation of the necessary repairs.
- (e) Prevention of miscellaneous fugitive topside emissions.
- (f) Regular inspection and patching of oven brickwork.
- (g) Maintenance of battery equipment and controls in good working order.
- (h) Maintenance and repair of coke oven doors, chuck doors, door jambs, and seals.
- (i) Installation of chuck door gaskets prior to the next coking cycle.

(j) Instituting and completing repairs as soon as possible, including temporary repair measures instituted and completed where necessary, which include, but are not limited to, the requirements of subdivisions (e) and (i) of this rule.

R 325.50117 Respiratory protection.

Rule 117. (1) For employees who use respirators required by these rules, an employer shall provide each employee an appropriate respirator that complies with the requirements of this rule. Respirators must be used during all of the following:

- (a) Periods necessary to install or implement feasible engineering and work practice controls.
- (b) Work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the permissible exposure limit.
- (c) Work operations such as maintenance and repair activity in which engineering and work practice controls are not technologically feasible.
- (d) Emergencies.

(2) An employer shall implement a respiratory protection program in accordance with Occupational Health Standard Part 451, “Respiratory Protection,” rules § 1910.134(b) through (d) (except (d)(1)(iii)), and (f) through (m), as referenced in R 325.50102a, which covers each employee required by this section to use a respirator.

(3) An employer shall select and provide to employees, the appropriate respirators specified in Occupational Health Standard Part 451, “Respiratory Protection,” as referenced in R 325.50102a, subrule § 1910.134(d)(3)(i)(A); however, an employer may use a filtering facepiece respirator only when it functions as a filter respirator for coke oven emissions particulates.

R 325.50118 Protective clothing and equipment; provision and use.

Rule 118. An employer shall provide, and ensure the use of, appropriate protective clothing and equipment, such as, but not limited to, all of the following:

- (a) Flame-resistant jacket and pants.
- (b) Flame-resistant gloves.
- (c) Devices that insulate footwear from hot surfaces.
- (d) Face shields or vented goggles that comply with General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 325.50102a.
- (e) Safety shoes that comply with General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 325.50102a.
- (f) Protective helmets that comply with General Industry Safety Standard Part 33 “Personal Protective Equipment,” as referenced in R 325.50102a.

R 325.50119 Protective clothing and equipment; cleaning and replacement.

Rule 119. Where protective clothing is required by these rules, an employer shall do all of the following:

- (a) Provide the protective clothing required by R 325.50118(a) and (b) in a clean and dry condition at least once weekly.
- (b) Clean, launder, or dispose of protective clothing required by R 325.50118(a) and (b).
- (c) Repair or replace the protective clothing and equipment as needed to maintain their effectiveness.
- (d) Ensure that all protective clothing is removed at the completion of a work shift and only in change rooms required by these rules.
- (e) Ensure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closable container in the change room.

(f) Inform any person who cleans or launders protective clothing required by this rule of the potentially harmful effects of exposure to coke oven emissions.

R 325.50121 Hygiene facilities and practices; change rooms, showers, and lavatories.

Rule 121. (1) An employer shall provide clean change rooms equipped with storage facilities for street clothes and separate storage facilities for protective clothing and equipment whenever employees are required to wear protective clothing and equipment in accordance with R 325.50118.

(2) An employer shall ensure that employees working in a regulated area shower at the end of the work shift.

(3) An employer shall provide shower facilities in accordance with R 325.47416 of Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.50102a.

(4) An employer shall ensure that employees working in the regulated area wash their hands and face prior to eating.

(5) An employer shall provide lavatory facilities in accordance with Occupational Health Standard Part 474 “Sanitation,” as referenced in R 325.50102a.

(6) An employer shall provide lunchroom facilities which have a temperature controlled, positive-pressure, filtered air supply, and which are readily accessible to employees working in the regulated area.

R 325.50123 Medical surveillance; general requirements.

Rule 123. (1) An employer shall institute a medical surveillance program for all employees who are employed in a regulated area for not less than 30 days per year.

(2) This program shall provide that medical examinations and procedures in accordance with subrule(1) of this rule be made available, at the employer’s cost, to each employee during scheduled working hours or at other times agreeable to both the employee and the employer.

(3) An employer shall inform an employee who refuses a required medical examination of the possible health consequences of such refusal and shall obtain a signed statement from the employee indicating that the employee understands the risk involved in the refusal to be examined.

(4) An employer shall ensure that all medical examinations and procedures are performed by, or under the supervision of, a licensed physician.

R 325.50124 Medical surveillance; initial examinations.

Rule 124. At the time of initial assignment to a regulated area or upon the institution of the medical surveillance program, an employer shall provide a medical examination for employees covered under R 325.50123(1) that includes at least all of the following elements:

(a) A work history and medical history that includes smoking history and the presence and degree of respiratory symptoms, such as breathlessness, cough, sputum production, and wheezing.

(b) A standard posterior-anterior chest x-ray.

(c) Pulmonary function tests, including forced vital capacity (FVC) and forced expiratory volume at 1 second (FEV 1.0). The employer shall record the type of equipment used to perform the tests.

(d) Weight.

(e) A skin examination.

(f) Urinalysis for sugar, albumin, and hematuria.

(g) A urinary cytology examination.

R 325.50125 Medical surveillance; periodic examinations.

Rule 125. (1) An employer shall provide the examinations specified in R 325.50124(a) to (f) at least annually for employees covered under R 325.50123(1).

(2) An employer shall provide the examinations specified in R 325.50124 (a) to (g) at least annually for employees who are 45 years of age or older or who have 5 or more years of employment in the regulated area.

(3) If an employee who is 45 years of age or older, or who has 5 or more years of employment in the regulated area, transfers or is transferred from employment in a regulated area, then the employer shall continue to provide the examinations specified in R 325.50124(a) to (g) annually as long as the employee is employed by the same employer or a successor employer.

(4) If an employee has not taken the examinations specified in subrules (1) to (3) of this rule within the 6 months preceding the termination of employment, then the employer shall provide the examinations to the employee upon termination of employment.

R 325.50128 Employee information and training.

Rule 128. (1) An employer shall train each employee who is employed in a regulated area in accordance with the requirements of these rules. The employer shall institute a training program and ensure employee participation in the program.

(2) The training program shall be provided as of January 27, 1977 for employees who are employed in the regulated area at that time or at the time of initial assignment to a regulated area.

(3) The training program shall be provided at least annually for all employees who are employed in the regulated area, except that training regarding the occupational safety and health hazards associated with exposure to coke oven emissions and the purpose, proper use, and limitations of respiratory protective devices shall be provided at least quarterly for the first year after the initiation of the training program.

(4) The training program shall include informing each employee of all of the following:

(a) The information contained in the substance information sheet for coke oven emissions. (Appendix A);

(b) The purpose, proper use, and limitations of respiratory protective devices required in accordance with R 325.50117 to R 325.50119.

(c) The purpose for and a description of the medical surveillance program required by R 325.50123 to R 325.50127, including information on the occupational safety and health hazards associated with exposure to coke oven emissions.

(d) A review of all written procedures and schedules required under R 325.50106 to R 325.50116.

(e) A review of these rules.

R 325.50129 Access to training materials.

Rule 129. (1) An employer shall make a copy of these rules, and its appendixes, the substance information sheet, and the air monitoring and medical surveillance guide for coke oven emissions, readily available to all persons employed in the regulated area.

(2) An employer shall provide, upon request, all materials relating to the employee information and training program to the director.

HAZARD COMMUNICATION

R 325.50129a Communication of hazards.

Rule 129a. (1) An employer shall include coke oven emissions in the program established to comply with the Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.51401a.

(2) An employer shall ensure that each employee has access to labels on containers of chemicals and substances associated with coke oven processes and to safety data sheets, and is trained in accordance

with R 325.50128 and the provisions of Occupational Health Standard Part 430 “Hazard Communication,” as referenced in R 325.50102a.

(3) An employer shall ensure that, at least, the hazard of cancer is addressed.

R 325.50130 Precautionary signs and labels.

Rule 130. (1) An employer shall post signs in the regulated area bearing the legend:

DANGER COKE OVEN EMISSIONS MAY CAUSE CANCER DO NOT EAT, DRINK OR SMOKE WEAR RESPIRATORY PROTECTION IN THIS AREA AUTHORIZED PERSONNEL ONLY

(2) An employer shall post signs in the areas where the permissible exposure limit is exceeded bearing the legend:

WEAR RESPIRATORY PROTECTION IN THIS AREA

(3) An employer shall ensure that a statement does not appear on or near any sign required by these rules which contradicts or detracts from the effects of the required sign.

(4) An employer shall ensure that signs required by these rules are illuminated and cleaned as necessary so that the legend is readily visible.

(5) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (1) of this rule:

DANGER CANCER HAZARD AUTHORIZED PERSONNEL ONLY NO SMOKING OR EATING
--

(6) Prior to June 1, 2016, employers may use the following legend in lieu of that specified in subrule (2) of this rule:

DANGER RESPIRATOR REQUIRED

(7) An employer shall ensure that labels of containers of contaminated protective clothing and equipment include the following information:

CONTAMINATED WITH COKE EMISSIONS MAY CAUSE CANCER DO NOT REMOVE DUST BY BLOWING OR
--

SHAKING

(8) Prior to June 1, 2015, employers may include the following information on contaminated protective clothing and equipment in lieu of the labeling requirements in subrule (7) of this rule:

CAUTION CLOTHING CONTAMINATED WITH COKE EMISSIONS DO NOT REMOVE DUST BY BLOWING OR SHAKING
--

R 325.50131 Recordkeeping, exposure measurements.

Rule 131. (1) An employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to coke oven emissions required in R 325.50105.

(2) The record shall include all of the following:

- (a) Name, social security number, and job classification of the employees monitored.
- (b) The date or dates, number, duration, and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable.

(c) The type of respiratory protective devices worn, if any.

(d) A description of the sampling and analytical methods used and evidence of their accuracy.

(e) The environmental variables that could affect the measurement of employee exposure.

(3) An employer shall maintain this record for not less than 40 years or for the duration of employment plus 20 years, whichever period is longer.

R 325.50132 Medical records.

Rule 132. (1) An employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by R 325.50123 to R 325.50137.

(2) The record shall include all of the following:

(a) The name, social security number, and description of duties of the employee.

(b) A copy of the physician's written opinion.

(c) The signed statement of any refusal to take a medical examination under R 325.50123(3).

(d) Any employee medical complaints related to exposure to coke oven emissions.

(3) An employer shall keep, or ensure that the examining physician keeps, all of the following medical records:

(a) A copy of the medical examination results, including medical and work history required under R 325.50124.

(b) A description of the laboratory procedures used and a copy of any standards or guidelines used to interpret the test results.

(c) The initial X-ray film.

(d) The X-ray films for the most recent 5 years.

(e) Any X-ray film with a demonstrated abnormality and all subsequent films.

(f) The initial cytologic examination slide and written description.

(g) The cytologic examination slides and written descriptions for the most recent 10 years.

(h) Any cytologic examination slides with demonstrated atypia, if such atypia persists for 3 years, and all subsequent slides and written descriptions.

(3) An employer shall maintain medical records required under this rule for not less than 40 years, or for the duration of employment plus 20 years, whichever period is longer.

R 325.50133 Availability of records.

Rule 133. (1) An employer shall make available upon request all records required to be maintained by R 325.50131 to R 325.5034 to the director for examination and copying.

(2) An employer shall make available, upon request, records of employee exposure measurements required by R 325.50131 for inspection and copying to affected employees and their designated representatives.

(3) An employer shall make available upon request employee medical records required to be maintained by R 325.50132 to a physician designated by the affected employee or former employee.

(4) An employer shall make available upon request records of employee exposure measurements required by R 325.50131 for inspection and copying to former employees and their designated representatives which indicate the former employees' own exposures.

(5) Employee exposure measurement records and employee medical records required by these rules shall be provided upon request to employees, designated representatives, and the director in accordance with Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.50102a.

R 325.50134 Retention and transfer of records.

Rule 134. (1) If an employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by R 325.50131 to R 325.50134.

(2) An employer shall comply with any additional requirements involving the transfer of records set forth in Occupational Health Standard Part 470 "Employee Medical Records and Trade Secrets," as referenced in R 325.50102a.

R 325.50135 Observations of monitoring.

Rule 135. (1) An employer shall provide affected employees or their representatives an opportunity to observe any measuring or monitoring of employee exposure to coke oven emissions conducted pursuant to R 325.50105.

(2) If observation of the measuring or monitoring of employee exposure to coke oven emissions requires entry into an area where the use of protective clothing or equipment is required, an employer shall provide the observer with, and assure the use of, such equipment and shall require the observer to comply with all other applicable safety and health procedures.

(3) Without interfering with the measurement, an observer shall be entitled to all of the following:

(a) An explanation of the measurement procedures.

(b) Observe all steps related to the measurement of coke oven emissions performed at the place of exposure.

(c) Record the results obtained.

R 325.50136 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on September 18, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.17501 of the Michigan Administrative Code is amended, and R 408.17502 is added to the Code, as follows:

PART 75. FLAMMABLE LIQUIDS

R 408.17501. Adoption of standards by reference.

Rule 7501. (1) The federal occupational safety and health administration's regulations on flammable liquids promulgated by the United States department of labor and codified at 29 C.F.R. §1910.106, "Flammable liquids," effective March 26, 2012, are adopted by reference in these rules.

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.1200 "Hazard communication," means Occupational Health Standard Part 430 "Hazard Communication;" General Industry Safety Standard Part 92 "Hazard Communication;" and Construction Safety Standard Part 42 "Hazard Communication;" as referenced in R 408.17502.

(b) A reference to "Subpart S of this part" means General Industry Safety Standard Part 39 "Design Safety Standards For Electrical Systems," and General Industry Safety Standard Part 40 "Electrical Safety-Related Work Practices," as referenced in R 408.17502.

(c) A reference to 29 C.F.R. §1910.159 "Automatic sprinkler systems," means General Industry Safety Standard Part 9 "Fixed Fire Equipment," as referenced in R 408.17502.

(3) The provisions of 29 C.F.R. §1910.106 have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standard adopted in subrule (1) of this rule is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standard adopted in subrule (1) of this rule is also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standard adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.17502. MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 9 “Fixed Fire Equipment,” R 408.10901 to R 408.10999.

(e) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13902

(f) General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” R 408.14001 to R 408.14009.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on September 19, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 to 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.19101 and R 408.19102 of the Michigan Administrative Code are amended, and R 408.19103 is added to the Code, as follows:

PART 91. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

R 408.19101 Scope.

Rule 9101. (1) This part applies to the manufacturing, keeping, having, storing, selling, transporting, and using of explosives, blasting agents, and pyrotechnics. These rules do not apply to the sale and use (public display) of pyrotechnics, commonly known as fireworks, or to the use of explosives in the form prescribed in the official United States pharmacopeia.

(2) The manufacture of explosives, as defined in General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.19102, shall also be in compliance with the requirements contained in the provisions of these rules.

(3) The manufacture of pyrotechnics as defined in General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.19102, shall also be in compliance with the provisions of these rules.

R 408.19102 Adoption of standards by reference.

Rule 9102. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1910.119 "Process safety management of highly hazardous chemicals," effective February 8, 2013.

(b) 29 C.F.R. §1910.119 Appendix A "List of highly hazardous chemicals, toxics and reactives (mandatory)," effective December 27, 2011.

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.1200 "Hazard communication," means Occupational Health Standard Part 430 "Hazard Communication;" General Industry Safety Standard Part 92 "Hazard

Communication;” and Construction Safety Standard Part 42 “Hazard Communication;” as referenced in R 408.19103.

(b) A reference to 29 C.F.R. §1910.38, “Emergency action plans,” means General Industry Safety Standard Part 6 “Fire Exits,” as referenced in R 408.19103.

(c) A reference to 29 C.F.R. §1910.109, “Explosives and blasting agents,” means General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” as referenced in R 408.19103.

(d) A reference to 29 C.F.R. §1910.252, “Welding, cutting, and brazing,” means Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” as referenced in R 408.19103.

(e) A reference to 29 C.F.R. §1910.120 “Hazardous waste operations and emergency response,” means Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” as referenced in R 408.19103.

(3) The provisions of 29 C.F.R. §1910.119 and 29 C.F.R. §1910.119 Appendix A have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.19103 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 6 “Fire Exits,” R 408.10601 to R 408.10697.

(e) General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” R 408.15501.

(f) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(g) Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” R 325.52901 to R 325.52908.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on September 19, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 to 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.18301 and R 325.18302 of the Michigan Administrative Code are amended, and R 325.18303 is added to the Code, as follows:

PART 591. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

R 325.18301 Scope.

Rule 1. (1) These rules establish the minimum requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals.

(2) The regulations adopted by R 325.18302 shall apply to all workplaces pursuant to the provisions of these rules.

(3) The manufacture of explosives, as defined in General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 325.18303, shall also be in compliance with the requirements contained in the provisions of these rules.

(4) The manufacture of pyrotechnics as defined in General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 325.18303, shall also be in compliance with the provisions of these rules.

R 325.18302 Adoption of standards by reference.

Rule 2. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1910.119 "Process safety management of highly hazardous chemicals," effective February 8, 2013.

(b) 29 C.F.R. §1910.119 Appendix A "List of highly hazardous chemicals, toxics and reactives (mandatory)," effective December 27, 2011.

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.1200 "Hazard communication," means Occupational Health Standard Part 430 "Hazard Communication;" General Industry Safety Standard Part 92 "Hazard

Communication;” and Construction Safety Standard Part 42 “Hazard Communication;” as referenced in R 325.18303.

(b) A reference to 29 C.F.R. §1910.38, “Emergency action plans,” means General Industry Safety Standard Part 6 “Fire Exits,” as referenced in R 325.18303.

(c) A reference to 29 C.F.R. §1910.109, “Explosives and blasting agents,” means General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” as referenced in R 325.18303.

(d) A reference to 29 C.F.R. §1910.252, “Welding, cutting, and brazing,” means Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” as referenced in R 325.18303.

(e) A reference to 29 C.F.R. §1910.120 “Hazardous waste operations and emergency response,” means Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” as referenced in R 325.18303.

(3) The provisions of 29 C.F.R. §1910.119 and 29 C.F.R. §1910.119 Appendix A have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 325.18303 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 6 “Fire Exits,” R 408.10601 to R 408.10697.

(e) General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” R 408.15501.

(f) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(g) Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” R 325.52901 to R 325.52908.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 325.51651 and R 325.51652 of the Michigan Administrative Code are amended, and R 325.51653 is added to the Code, as follows:

PART 313. METHYLENE CHLORIDE

R 325.51651 Scope and application.

Rule 1. (1) These rules apply to all occupational exposures to methylene chloride (MC), chemical abstracts service registry no. 75-09-2, in all industries covered by 1974 PA 154, known as the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(2) These rules replace all references to methylene chloride contained in table G-2 in Occupational Health Part 301 "Air Contaminants for General Industry," as referenced in R 325.51653.

R 325.51652. Adoption of standards by reference.

Rule 2. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules.

(a) 29 C.F.R. §1910.1052 "Methylene chloride," effective March 26, 2012.

(b) 29 C.F.R. §1926.1152 "Methylene chloride," effective January 10, 1997.

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:

(a) A reference to 29 C.F.R. §1910.120, "Hazardous waste and emergency response," means Occupational Health Standard Part 432 "Hazardous Waste Operations and Emergency Response," as referenced in R 325.51653.

(b) A reference to 29 C.F.R. §1910.133, "Eye and face protection," means Occupational Health Standard Part 433 "Personal Protective Equipment;" General Industry Safety Standard Part 33 "Personal Protective Equipment;" and Construction Safety Standard Part 6 "Personal Protective Equipment;" as referenced in R 325.51653.

(c) A reference to 29 C.F.R. §1910.1200 and 29 C.F.R. §1926.59 "Hazard communication," means Occupational Health Standard Part 430 "Hazard Communication;" General Industry Safety Standard

Part 92 “Hazard Communication;” and Construction Safety Standard Part 42 “Hazard Communication;” as referenced in R 325.51653.

(d) A reference to 29 C.F.R. §1910.1020 “Access to employee exposure records and medical records,” means Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” as referenced in R 325.51653.

(3) The provisions of 29 C.F.R. §1910.1052 and 29 C.F.R. §1926.1152 have the same force and effect as rules promulgated under 1974 PA 154, known as the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(7) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 325.51653 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 6 “Personal Protective Equipment,” R 408.40601 to R 408.40641.

(b) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13399.

(c) Occupational Health Standard Part 433 “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(d) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(e) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(f) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(g) Occupational Health Standard Part 301 “Air Contaminants for General Industry,” R 325.51101 to R 325.51108.

(h) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(i) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,” R 325.3451 to R 325.3476.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF HEALTH CARE SERVICES

FREESTANDING SURGICAL OUTPATIENT FACILITIES
DIFFERENTIATED FROM PRIVATE PRACTICE OFFICES

Filed with the Secretary of State on September 24, 2013

These rescissions become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by section 20115(2) of 1978 PA 368, MCL 333.20115(2), and Executive Reorganization Nos. 2003-1 and 2011-4, MCL 445.2011 and 445.2030)

R 325.6001 and R 325.6002 of the Michigan Administrative Code are rescinded as follows:

R 325.6001 Rescinded.

R 325.6002 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BUREAU OF HEALTH CARE SERVICES

FREESTANDING SURGICAL OUTPATIENT FACILITIES

Filed with the Secretary of State on September 24, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of licensing and regulatory affairs by sections 2226(d), 2233, 20115, 20145, 20161, 20171, and 21015 of 1978 PA 368, MCL 333.2226(d), 333.2233, 333.20115, 333.20145, 333.20161, 333.20171, and 333.20155, section 9 of 1965 PA 380, MCL 16.109, and Executive Reorganization Nos. 2003-1 and 2011-4, MCL 445.2011, and 445.2030)

R 325.3802, R 325.3815, R 325.3826, R 325.3832, R 325.3837, R 325.3847, R 325.3855, R 325.3856, R 325.3857, R 325.3858, R 325.3867, R 325.3868a, and R 325.3874 of the Michigan Administrative Code are amended as follows:

R 325.3802 Definitions; C to S.

Rule 2. As used in these rules:

- (a) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (b) "Department" means the department of licensing and regulatory affairs.
- (c) "Director" means the director of the department.
- (d) "Freestanding surgical outpatient facility" or "facility" means a facility as defined in section 20104(5) of the code, MCL 333.20104(5), and includes, but is not limited to, a facility that includes a private practice office that performs 120 or more surgical abortions per year and that publicly advertises outpatient abortion services. Characteristics of a freestanding surgical outpatient facility include, but not limited to, patient encounters with a physician, dentist, podiatrist, or other provider primarily for the purpose of performing surgical procedures or related diagnosis, consultation, observation, and postoperative care, and the owner or operator makes the facility available to other physicians, dentists, podiatrists, or providers who comprise its professional staff.
- (e) "Hospital" means a facility defined in section 20106(5) of the code.
- (f) "Nurse" means an individual who is currently licensed or registered as a nurse by the state.
- (g) "Physician" means a person licensed to practice medicine or osteopathy in this state.
- (h) "Pregnancy termination facility" means a facility, including, but not limited to, a private practice office that performs 120 or more surgical abortions per year and that publicly advertises outpatient abortion services.
- (i) "Private practice office" means an office of a physician, dentist, podiatrist, or other provider whose patients are limited to those of the individual licensed professional maintaining and operating the office or the combined patients of individually licensed professionals practicing together in a legally constituted professional corporation, association, or partnership, and sharing office space. The office is

maintained and operated by the licensed professional in accordance with usual practice patterns according to the type of practice. Patient encounters in the office are for the purpose of diagnosis and treatment and are not limited primarily to the performance of surgical procedures and related care.

(j) "Publicly advertises" means to advertise using directory or internet advertising including yellow pages, white pages, banner advertising, or electronic publishing.

(ik) "Surgery" means the treatment of human beings by a physician, by the use of 1 or more of the following procedures:

(i) Cutting into any part of the body by surgical scalpel, electro-cautery, or other means for diagnosis or the removal or repair of diseased or damaged tissue, organs, tumors, or foreign bodies.

(ii) Reduction of fractures or dislocations of a bone, joint, or bony structure.

(iii) Repair of malformations or body defects resulting from injury, birth defects, or other causes that require cutting and manipulation or suture.

(iv) Instrumentation of the uterine cavity, including the procedure commonly known as dilatation and curettage, for diagnostic or therapeutic purposes.

(v) Any instrumentation of or injection of any substance into the uterine cavity of a woman for the purpose of terminating a pregnancy.

(vi) Human sterilization procedures.

(vii) Endoscopic procedures.

R 325.3815 Construction and major alterations of physical facilities.

Rule 15. (1) The owner or governing body of a proposed freestanding surgical outpatient facility shall submit plans of the proposed facility to the department for review and approval before beginning any construction project, including modernization, addition to, or conversion of, an existing structure. The purpose of the review is to ensure that the proposed facility is designated and constructed in accordance with applicable rules.

(2) A facility shall not be constructed nor major alterations undertaken without first obtaining a construction permit from the department.

(3) A major alteration is any extensive structural alteration of an existing building area involving significant changes in the interior configurations or intended use by the moving of partitions of a number of rooms and involving an expenditure in excess of \$50,000.00. Removal of the partitions between 2 adjacent rooms to provide additional room space is not a major alteration unless all of the following occur:

(a) It costs more than \$50,000.00.

(b) Multiple changes are to be made for a changed use of an entire wing or area.

(c) Extensive plumbing and electrical wiring changes are required.

(4) The department may modify or waive 1 or more of the requirements of these rules regarding construction or equipment standards, or both, for a pregnancy termination facility if both of the following provisions apply:

(a) The freestanding surgical outpatient facility was in existence and operating on December 31, 2012.

(b) The department makes a determination that the existing construction or equipment, or both, within the facility is adequate to preserve the health and safety of the patients and employees of the facility or that the construction or equipment standards, or both, can be modified to adequately preserve the health and safety of the patients and employees of the facility without meeting the specific requirements of these rules.

R 325.3826 Surgical procedures; medications.

Rule 26. (1) A surgical procedure performed in a facility shall be done by a licensed physician. A licensed podiatrist or licensed dentist may also perform surgical procedures in a facility under the

direction of a physician and in accord with written facility policies and procedures adopted by the governing body or owner.

(2) A qualified physician shall be present on the premises of a facility through the postoperative period of a patient's stay in the facility.

(3) Medications, diagnostic procedures, and treatments customarily given or performed by nurses or other qualified personnel shall be given only upon written order of the responsible physician, except under either of the following:

(a) In emergencies, verbal orders of the physician for medications or treatments may be carried out with subsequent notation of such care being entered in the patient's record and signed by the physician.

(b) Standing orders for specific tests and pre- and postoperative care may be established and honored when provided in writing and approved by the medical staff or physician owner or operator of the facility.

R 325.3832 Transportation services.

Rule 32. A facility shall have adequate transportation services immediately available, or have protocols established for accessing 911 emergency transportation services, for emergency patients requiring transfer to a hospital. A facility shall be located not more than 30 minutes normal travel time from the hospital with which written emergency admission arrangements are made. When indicated, a physician or nurse from the facility shall accompany the patient to provide emergency care en route.

R 325.3837 Medical consultations.

Rule 37. Consultation and assistance in any needed medical specialty field shall be readily available and used as indicated before and, when necessary, following a surgical procedure. If there is any doubt concerning the patient's medical status, appropriate consultation shall be required and written reports of the consultants' findings and recommendations shall be entered in the patient's clinical record. A facility shall maintain a current record of the identities of consultants serving the facility.

R 325.3847 Medical records.

Rule 47. (1) Medical records shall be originated on all patients undergoing surgery, signed by the responsible physician, indexed, and so filed as to assure their ready access and future availability. The medical files shall be maintained in accordance with a written retention policy. In a hospital operated facility, the recordkeeping shall be incorporated into the hospital medical records system, including and subject to its established retention policies.

(2) Medical records shall contain, at a minimum, all of the following:

(a) Patient identification, including name, address, marital status, and birthdate.

(b) Medical history.

(c) Physical examination.

(d) Medical orders signed by the responsible physician.

(e) Laboratory findings.

(f) Special examination findings, for example, x-ray or electrocardiogram.

(g) Preoperative and final diagnosis.

(h) Nurses' notes which include a recording of vital signs, pre-and postoperatively, color, appearance, and other relevant observations with such frequency postoperatively as to document the patient's stabilized condition at time of discharge.

(i) Record of the sedation and anesthetic used by product name and dosage, identity of anesthetist if other than the surgeon, procedure, and any pertinent information concerning results or reactions.

(j) Written consultation reports signed by the consultant.

(k) Social or social service information relevant to the case.

(l) Surgeon's operative note including naming of procedure performed, physician performing surgery, anesthetic agent used, names of assistants (whether another physician, a nurse, or a specially trained technician), duration of procedure and any unusual problems or occurrences encountered, and surgeon's description of gross appearance of tissues removed.

(m) Physician's progress notes and discharge note. The physician's progress and discharge notes may be combined in the patient's clinical record.

(n) Summary of instructions given for follow-up observation and care as well as recording of all referrals for counseling, family planning, or other medical conditions requiring further attention.

(o) Identification of the physician who actually discharges the patient.

(3) Medical records shall be available for survey and review of content at any time by authorized members of the department.

(4) Medical records shall be maintained as confidential documents with the following exceptions:

(a) Information required under these rules.

(b) Information required by law.

(c) Information authorized for disclosure by written release by the patient.

(5) A facility in which pregnancy terminations are performed shall maintain records of the procedures and shall file reports and furnish statistical and such other information as may be required by the director of the department of community health. These shall be reported on forms provided by the director in accordance with definitions and notification procedures as he or she may specify. The report forms shall be signed in each instance by the physician performing the procedure. The report forms shall not require identification of the patient undergoing the procedure.

(6) Failure or refusal of a facility to file the notification of termination of pregnancy properly executed and personally signed by the responsible physician is sufficient cause for immediately beginning proceedings for revoking the license and closing the facility.

(7) Information submitted by a referral source shall become an integral part of the clinical record of the patient.

R 325.3855 Plans and specifications.

Rule 55. (1) A floor plan of the facility with a description of rooms showing size, door locations, and fixed equipment shall be on file in the facility and at the department.

(2) Complete plans and specifications for new buildings, additions, major building changes, and conversion of existing facilities for use as a facility shall be submitted to the department for review and approval.

(3) Plans and specifications meeting the requirements of the law and these rules shall be approved by the department and a permit for construction issued.

(4) Construction of new buildings, additions, major building changes, and conversion of existing structures for use as a facility shall not begin until the plans and specifications have been approved by the department and a permit for construction issued.

(5) As provided by R 325.3868a, the department may waive a specific requirement of this rule as applied to a pregnancy termination facility.

R 325.3856 Exterior.

Rule 56. (1) The premises of a facility shall be maintained in a safe and sanitary condition and in a manner consistent with the public health and welfare.

(2) At least 1 entrance to a facility shall provide safe and easy access for the physically handicapped.

(3) Exterior ramps and steps shall have a handrail on both sides.

(4) Sufficient light for an exterior ramp or steps shall be provided for the safety of persons using the facility.

(5) As provided by R 325.3868a, the department may waive a specific requirement of this rule as applied to a pregnancy termination facility.

R 325.3857 Interior construction.

Rule 57. (1) A building shall be of safe construction and shall be free from hazards to patients, personnel, or visitors.

(2) Each area of a facility shall be provided with lighting adequate for the use to be made of the location and in compliance with generally recognized lighting standards.

(3) Each area of a facility shall be provided with a type and amount of ventilation commensurate with its use, to minimize the occurrence of transmissible disease, control odors, and contribute to the comfort of patients and personnel.

(4) Corridors, hallways, passageways, and doorways shall be kept free from obstruction at all times.

(5) Floors, walls, and ceilings shall be covered and finished in a manner that permits maintenance of a sanitary environment.

(6) Emergency electrical service shall be permanently installed in the facility to provide lighting in corridors, exits, procedure rooms, recovery rooms, congregate rooms, nurse stations, and other critical areas. In new construction or renovations, an emergency generator that has an automatic transfer switch or an alternative source of immediate electrical power acceptable to the department shall be provided for lighting and operation of equipment necessary to patient care.

(7) Patient examination, procedure, and recovery rooms shall have a minimum door width of 3 feet.

R 325.3858 Elevators.

Rule 58. (1) An elevator shall be provided where patient care is provided at different floor levels. The cab size of the elevator shall be sufficient to accommodate a stretcher and attendant.

(2) As provided by R 325.3868a, the department may waive a specific requirement of this rule as applied to a pregnancy termination facility.

R 325.3867 Medication and storage areas.

Rule 67. (1) A facility shall have enough medication work and storage areas to meet the volume of work to be accomplished.

(2) A shelf or desk shall be provided for the nurse's use in preparing and administering medications and recording information in patients' records and shall be within and readily accessible to all patient care areas for which that nursing station has responsibility.

(3) A medication storage and preparation area equipped with a sink that has a gooseneck inlet and hot and cold water and locked storage for medications shall be provided. This includes adequate space for the storage of medications, fluids, and electrolyte solutions in a safe and sanitary manner.

(4) Space shall be available for the storage of clean linens, equipment, supplies, wheelchairs and stretchers.

(5) A soiled utility room shall be available for temporarily holding waste materials and cleaning of items to be reused.

(6) A janitor's closet that has a service sink shall be available.

(7) As provided by R 325.3868a, the department may waive subrule (5) of this rule as applied to a pregnancy termination facility.

R 325.3868a Waiver of certain requirements.

Rule 68a. (1) In accordance with section 20115(4) of the code, MCL 333.20115(4), and pursuant to R 325.3815(4), the department may waive a specific requirement of R 325.3855, R 325.3856, R 325.3858, R 325.3866, R 325.3867(5), or R 325.3868 as applied to a pregnancy termination facility if it reasonably determines the facility construction, size, and equipment of a room, area, or equipment utilized for purposes of medication preparation or storage, sanitary storage, or facility maintenance are adequate to protect the health and safety of the patients and employees of the facility, or that the construction, equipment or maintenance standards can be modified to adequately preserve the health and safety of the patients and employees of the facility without meeting the specific requirements of these rules.

(2) A pregnancy termination facility shall submit a request for variance in writing at the time of application for a license.

(3) The decision of the department, including any qualification under which the variance is granted, shall be sent to the pregnancy termination facility and placed in the facility record.

(4) The variance may remain in effect for as long as the pregnancy termination facility continues to comply with the conditions of the variance or may be time-limited.

R 325.3874 Solid wastes.

Rule 74. (1) The collection, storage, and disposal of solid wastes, including garbage, refuse, and dressings, shall be accomplished in a safe and sanitary manner to minimize the danger of disease transmission and avoid creating a public nuisance or a breeding place for insects and rodents.

(2) Suitable containers for garbage, refuse, dressings, and other solid wastes shall be provided, emptied at frequent intervals, and maintained in a clean and sanitary condition.

(3) A facility shall have and enforce a written policy to govern storage, transportation, and disposal of surgical specimens. Surgical specimens not sent to a pathology laboratory shall be disposed of in a medically acceptable manner.

**CERTIFICATE OF NEED
REVIEW STANDARDS**

MCL 24.208 states in part:

Sec. 8. The State Office of Administrative Hearings and Rules shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(k) All of the items in section 7(l) after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.2217.

MCL 24.207 states in part:

Sec. 7. “Rule” means an agency regulation, statement, standard, policy, ruling, or instruction of general applicability that implements or applies law enforced or administered by the agency, or that prescribes the organization, procedure, or practice of the agency, including the amendment, suspension, or rescission of the law enforced or administered by the agency. Rule does not include any of the following:

* * *

(l) All of the following, after final approval by the certificate of need commission or the statewide health coordinating council under section 22215 or 22217 of the public health code, 1978 PA 368, MCL 333.22215 and 333.22217:

- (i) The designation, deletion, or revision of covered medical equipment and covered clinical services.*
- (ii) Certificate of need review standards*
- (iii) Data reporting requirements and criteria for determining health facility viability.*
- (iv) Standards used by the department of community health in designating a regional certificate of need review agency.*
- (v) The modification of the 100 licensed bed limitation for short-term nursing care programs set forth in section 22210 of the public health code, 1978 PA 368, MCL 333.22210.*

CERTIFICATE OF NEED REVIEW STANDARDS

**CERTIFICATE OF NEED (CON) REVIEW STANDARDS
SYNOPSIS FOR PUBLICATION IN THE MICHIGAN REGISTER
PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT, 1969 PA 306, MCL 24.208(1)(k)**

MAGNETIC RESONANCE IMAGING (MRI) SERVICES

Final Approval by the CON Commission 6/13/13 and Effective 9/18/13

The language changes include the following:

1. Section 2: Definitions have been modified and/or moved to applicable section.
2. Section 4: Clarified replace and upgrade definitions. Added a new definition for “repair an existing MRI unit.” This is to allow components of an MRI unit to be repaired if under a service/maintenance agreement.
 - Under subsection (3), added a one-time replacement of an existing MRI unit that is below 1 tesla with an MRI unit that is a 1 tesla or higher outside of volume requirements.
 - Under subsection (4), added requirements to allow replacement of an existing mobile MRI host site to a new location similar to other CON standards.
3. Section 7: Modified for consistency with other CON review standards in that the applicant agrees that the dedicated research MRI unit will be used primarily (70% or more of the procedures) for research purposes only.
4. Section 11: Added requirements similar to intraoperative MRI (IMRI) to initiate, replace, or acquire an MRI simulator that will not be used solely for MRT treatment planning purposes.
5. Section 14: Divided requirements into distinct groups consistent with other standards: quality assurance, access to care, and monitoring and reporting.
 - Under subsection (2)(d)(i)(D), revised to align with the “American College of Radiology (ACR) Practice Guideline for Performing and Interpreting Magnetic Resonance Imaging (MRI)” language on MRI accreditation to ensure consistency with national standards.
 - Under subsection (4)(b), added reporting requirement for MRI simulators approved under Section 11.
6. Section 15: Increased the base value for functional MRI (fMRI) procedures, MRI-guided interventions, and cardiac MRI procedures, and added definitions for these procedures too.
7. Other technical edits.

Complete Standards

A complete set of the approved language can be found at www.michigan.gov/con. A hard copy may be obtained, for a fee, by sending a written request to:

Michigan Department of Community Health Health Planning & Organizational Support Division
Planning and Access to Care Section Capitol View Building
201 Townsend Lansing, MI 48913
(517) 335-6708
Email address: MDCH-ConWebTeam@michigan.gov

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

**MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 RULE FILINGS)**

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.43153	R	7	491.135	R	3	792.10211	A	6
408.43154	R	7	491.140	R	3	792.10213	A	6
408.43155	R	7	491.145	R	3	792.10215	A	6
408.43156	R	7	491.150	R	3	792.10217	A	6
408.43157	R	7	491.155	R	3	792.10219	A	6
408.43158	R	7	491.160	R	3	792.10221	A	6
408.43161	R	7	491.165	R	3	792.10223	A	6
408.43162	R	7	491.170	R	3	792.10225	A	6
408.43204a	*	8	491.175	R	3	792.10227	A	6
408.43207	*	8	491.180	R	3	792.10229	A	6
408.43212	*	8	491.185	R	3	792.10231	A	6
432.2	*	10	491.190	R	3	792.10233	A	6
432.6	*	10	491.195	R	3	792.10237	A	6
436.1335	R	5	491.197	R	3	792.10239	A	6
484.71	*	6	550.402	A	6	792.10241	A	6
484.72	*	6	550.403	A	6	792.10243	A	6
484.73	*	6	550.404	A	6	792.10245	A	6
484.74	*	6	554.701	*	9	792.10247	A	6
484.75	*	6	554.723	*	9	792.10249	A	6
484.81	*	8	554.731	*	9	792.10251	A	6
484.82	*	8	554.733	*	9	792.10253	A	6
484.83	*	8	554.734	*	9	792.10255	A	6
484.84	*	8	554.736	*	9	792.10257	A	6
484.85	*	8	554.737	*	9	792.10259	A	6
484.86	*	8	554.741	*	9	792.10261	A	6
484.87	*	8	554.742	*	9	792.10263	A	6
484.88	*	8	554.743	*	9	792.10265	A	6
484.89	*	8	554.744	*	9	792.10267	A	6
484.90	*	8	554.746	*	9	792.10269	A	6
490.113	R	11	554.721	R	9	792.10271	A	6
490.114	R	11	554.722	R	9	792.10273	A	6
490.117	R	11	554.747	R	9	792.10275	A	6
490.118	R	11	554.750	A	9	792.10277	A	6
491.101	R	3	554.751	A	9	792.10279	A	6
491.110	R	3	792.10201	A	6	792.10281	A	6
491.115	R	3	792.10203	A	6	792.10283	A	6
491.120	R	3	792.10205	A	6	792.10285	A	6
491.125	R	3	792.10207	A	6	792.10287	A	6
491.130	R	3	792.10209	A	6	792.10289	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
205.1222	R	6	205.1345	R	6	281.80	A	18
205.1225	R	6	205.1348	R	6	281.81	A	18
205.1228	R	6	209.1	*	5	281.90	A	18
205.1230	R	6	209.31	*	5	281.91	A	18
205.1235	R	6	257.1604	A	11	281.100	A	18
205.1240	R	6	257.16910	*	11	281.110	A	18
205.1245	R	6	281.51	*	18	281.120	A	18
205.1247	R	6	281.53	*	18	281.121	A	18
205.1249	R	6	281.54	*	18	281.130	A	18
205.1250	R	6	281.55	*	18	281.150	A	18
205.1252	R	6	281.56	*	18	281.170	A	18
205.1255	R	6	281.57	*	18	281.190	A	18
205.1257	R	6	281.58	*	18	281.191	A	18
205.1260	R	6	281.59	*	18	281.200	A	18
205.1264	R	6	281.60	*	18	281.220	A	18
205.1270	R	6	281.61	*	18	281.52	R	18
205.1275	R	6	281.101	*	18	281.102	R	18
205.1278	R	6	281.110	*	18	281.103	R	18
205.1280	R	6	281.111	*	18	281.104	R	18
205.1281	R	6	281.131	*	18	281.105	R	18
205.1283	R	6	281.140	*	18	281.106	R	18
205.1285	R	6	281.141	*	18	281.107	R	18
205.1288	R	6	281.151	*	18	281.108	R	18
205.1290	R	6	281.160	*	18	281.109	R	18
205.1301	R	6	281.161	*	18	281.112	R	18
205.1303	R	6	281.171	*	18	281.113	R	18
205.1305	R	6	281.180	*	18	281.114	R	18
205.1307	R	6	281.181	*	18	281.132	R	18
205.1312	R	6	281.201	*	18	281.133	R	18
205.1313	R	6	281.210	*	18	281.134	R	18
205.1315	R	6	281.211	*	18	281.135	R	18
205.1317	R	6	281.221	*	18	281.136	R	18
205.1320	R	6	281.62	A	18	281.137	R	18
205.1330	R	6	281.63	A	18	281.138	R	18
205.1332	R	6	281.64	A	18	281.139	R	18
205.1333	R	6	281.65	A	18	281.142	R	18
205.1335	R	6	281.66	A	18	281.143	R	18
205.1340	R	6	281.70	A	18	281.144	R	18
205.1342	R	6	281.71	A	18	281.145	R	18

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
281.152	R	18	281.228	R	18	281.325	R	18
281.153	R	18	281.229	R	18	281.326	R	18
281.154	R	18	281.230	R	18	281.327	R	18
281.155	R	18	281.231	R	18	281.328	R	18
281.156	R	18	281.232	R	18	281.329	R	18
281.157	R	18	281.233	R	18	281.330	R	18
281.158	R	18	281.234	R	18	281.331	R	18
281.159	R	18	281.251	R	18	281.332	R	18
281.162	R	18	281.252	R	18	281.333	R	18
281.163	R	18	281.253	R	18	281.334	R	18
281.164	R	18	281.254	R	18	281.341	R	18
281.172	R	18	281.255	R	18	281.342	R	18
281.173	R	18	281.256	R	18	281.343	R	18
281.174	R	18	281.257	R	18	281.344	R	18
281.175	R	18	281.258	R	18	281.345	R	18
281.176	R	18	281.259	R	18	281.346	R	18
281.177	R	18	281.260	R	18	281.347	R	18
281.178	R	18	281.261	R	18	281.348	R	18
281.179	R	18	281.262	R	18	281.349	R	18
281.182	R	18	281.263	R	18	281.350	R	18
281.183	R	18	281.264	R	18	281.351	R	18
281.184	R	18	281.271	R	18	281.352	R	18
281.202	R	18	281.272	R	18	281.353	R	18
281.203	R	18	281.273	R	18	281.354	R	18
281.204	R	18	281.274	R	18	281.355	R	18
281.205	R	18	281.275	R	18	281.361	R	18
281.206	R	18	281.276	R	18	281.362	R	18
281.207	R	18	281.277	R	18	281.363	R	18
281.208	R	18	281.278	R	18	281.364	R	18
281.209	R	18	281.279	R	18	281.365	R	18
281.212	R	18	281.280	R	18	281.366	R	18
281.213	R	18	281.281	R	18	281.367	R	18
281.214	R	18	281.282	R	18	281.368	R	18
281.222	R	18	281.283	R	18	281.369	R	18
281.223	R	18	281.284	R	18	281.370	R	18
281.224	R	18	281.321	R	18	281.371	R	18
281.225	R	18	281.322	R	18	281.372	R	18
281.226	R	18	281.323	R	18	281.373	R	18
281.227	R	18	281.324	R	18	281.374	R	18

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
281.375	R	18	299.3316	R	2	323.3003	R	16
281.381	R	18	299.3317	R	2	323.3004	R	16
281.382	R	18	299.3318	R	2	323.3005	R	16
281.383	R	18	299.3319	R	2	323.3006	R	16
281.384	R	18	299.5105	R	2	323.3007	R	16
281.385	R	18	299.5107	R	2	323.3008	R	16
281.386	R	18	299.5109	R	2	323.3009	R	16
281.387	R	18	299.5111	R	2	323.3010	R	16
281.388	R	18	299.5113	R	2	323.3011	R	16
281.389	R	18	299.5117	R	2	323.3012	R	16
281.390	R	18	299.5401	R	2	323.3013	R	16
281.391	R	18	299.5403	R	2	323.3014	R	16
281.392	R	18	299.5405	R	2	323.3015	R	16
281.393	R	18	299.5407	R	2	323.3016	R	16
281.394	R	18	299.5409	R	2	323.3017	R	16
281.395	R	18	299.5411	R	2	323.3018	R	16
281.663.1	R	11	299.5413	R	2	323.3019	R	16
281.1201	*	11	299.5415	R	2	323.3020	R	16
281.1204	*	11	299.5530	R	2	323.3021	R	16
281.1206	*	11	299.5532	R	2	323.3022	R	16
281.1208	*	11	299.5534	R	2	323.3023	R	16
285.138.1	R	5	299.5536	R	2	323.3024	R	16
285.502.1	R	10	299.5538	R	2	323.3025	R	16
287.71	R	17	299.5540	R	2	323.3026	R	16
299.3301	R	2	299.5732	R	2	323.3027	R	16
299.3302	R	2	299.5742	R	2	324.1501	R	2
299.3303	R	2	299.5901	R	2	324.1502	R	2
299.3304	R	2	299.5903	R	2	324.1503	R	2
299.3305	R	2	299.5905	R	2	324.1504	R	2
299.3306	R	2	299.5907	R	2	324.1505	R	2
299.3307	R	2	299.5909	R	2	324.1506	R	2
299.3308	R	2	299.5911	R	2	324.1507	R	2
299.3309	R	2	299.5913	R	2	324.1508	R	2
299.3310	R	2	299.5915	R	2	324.1509	R	2
299.3311	R	2	299.5917	R	2	324.1509a	R	2
299.3312	R	2	299.5919	R	2	324.1510	R	2
299.3313	R	2	308.1	R	17	324.1511	R	2
299.3314	R	2	323.3001	R	16	324.14501	*	18
299.3315	R	2	323.3002	R	16	324.14503	*	18

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
324.14504	*	18	325.5357	A	8	325.5633	R	8
324.14505	*	18	325.5658	A	8	325.5638	R	8
324.14506	*	18	325.5667	A	8	325.5639	R	8
324.14507	*	18	325.5668	A	8	325.5640	R	8
324.14508	*	18	325.5674	A	8	325.5641	R	8
325.3802	*	18	325.5675	A	8	325.5642	R	8
325.3815	*	18	325.5676	A	8	325.5643	R	8
325.3826	*	18	325.5677	A	8	325.5644	R	8
325.3832	*	18	325.5678	A	8	325.5645	R	8
325.3837	*	18	325.5679	A	8	325.5646	R	8
325.3847	*	18	325.5680	A	8	325.5647	R	8
325.3855	*	18	325.5681	A	8	325.5648	R	8
325.3856	*	18	325.5682	A	8	325.5649	R	8
325.3857	*	18	325.5683	A	8	325.5650	R	8
325.3858	*	18	325.5684	A	8	325.5651	R	8
325.3867	*	18	325.5685	A	8	325.5652	R	8
325.3868a	*	18	325.5686	A	8	325.5659	R	8
328.3874	*	18	325.5687	A	8	325.5660	R	8
325.5601	*	8	325.5688	A	8	325.5661	R	8
325.5602	*	8	325.5689	A	8	325.5662	R	8
325.5603	*	8	325.5690	A	8	325.5663	R	8
325.5605	*	8	325.5691	A	8	325.5664	R	8
325.5607	*	8	325.5692	A	8	325.5665	R	8
325.5608	*	8	325.5693	A	8	325.6001	R	18
325.5610	*	8	325.5694	A	8	325.6002	R	18
325.5611	*	8	325.5695	A	8	325.18301	*	18
325.5612	*	8	325.5696	A	8	325.18302	*	18
325.5613	*	8	325.5697	A	8	325.18303	A	18
325.5637	*	8	325.5698	A	8	325.35001	*	18
325.5655	*	8	325.5617	R	8	325.35002	*	18
325.5656	*	8	325.5618	R	8	325.35003	*	18
325.5601a	A	8	325.5619	R	8	325.35004	*	18
325.5626	A	8	325.5621	R	8	325.35005	*	18
325.5627	A	8	325.5622	R	8	325.35007	*	18
325.5628	A	8	325.5623	R	8	325.35008	*	18
325.5629	A	8	325.5624	R	8	325.35009	*	18
325.5630	A	8	325.5625	R	8	325.35011	*	18
325.5634	A	8	325.5631	R	8	325.35002a	A	18
325.5635	A	8	325.5632	R	8	325.35006a	A	18

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.35010	R	18	325.50306	R	7	325.50345	R	7
325.47801	R	11	325.50307	R	7	325.50346	R	7
325.50101	*	18	325.50308	R	7	325.50347	R	7
325.50102	*	18	325.50309	R	7	325.50348	R	7
325.50105	*	18	325.50310	R	7	325.51101	*	6
325.50106	*	18	325.50311	R	7	325.51105	*	6
325.50107	*	18	325.50312	R	7	325.51108	*	6
325.50108	*	18	325.50313	R	7	325.51101a	A	6
325.50109	*	18	325.50314	R	7	325.51190	*	7
325.50110	*	18	325.50315	R	7	325.51143	R	7
325.50111	*	18	325.50316	R	7	325.51301	*	11
325.50114	*	18	325.50317	R	7	325.51302	*	11
325.50115	*	18	325.50318	R	7	325.51311	*	11
325.50116	*	18	325.50319	R	7	325.51312	*	11
325.50117	*	18	325.50320	R	7	325.51401	*	18
325.50118	*	18	325.50321	R	7	325.51402	*	18
325.50119	*	18	325.50322	R	7	325.51404	*	18
325.50121	*	18	325.50323	R	7	325.51405	*	18
325.50123	*	18	325.50324	R	7	325.51406	*	18
325.50124	*	18	325.50325	R	7	325.51407	*	18
325.50125	*	18	325.50326	R	7	325.51409	*	18
325.50128	*	18	325.50327	R	7	325.51411	*	18
325.50129	*	18	325.50328	R	7	325.51412	*	18
325.50130	*	18	325.50329	R	7	325.51413	*	18
325.50131	*	18	325.50330	R	7	325.51414	*	18
325.50132	*	18	325.50331	R	7	325.51401a	A	18
325.50133	*	18	325.50332	R	7	325.51411a	A	18
325.50134	*	18	325.50333	R	7	325.51651	*	18
325.50135	*	18	325.50334	R	7	325.51652	*	18
325.50100	A	18	325.50335	R	7	325.51653	A	18
325.50102a	A	18	325.50336	R	7	325.51851	*	10
325.50106a	A	18	325.50337	R	7	325.51852	*	10
325.50129a	A	18	325.50338	R	7	325.51854	*	10
325.5014	R	18	325.50339	R	7	325.51856	*	10
325.50301	*	7	325.50340	R	7	325.51859	*	10
325.50303	*	7	325.50341	R	7	325.51860	*	10
325.50304	*	7	325.50342	R	7	325.51862	*	10
325.50302	R	7	325.50343	R	7	325.51863	*	10
325.50305	R	7	325.50344	R	7	325.51865	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.51866	*	10	340.1749a	*	18	338.3243	R	5
325.51867	*	10	340.1749b	*	18	338.3251	R	5
325.51868	*	10	340.1754	*	18	338.3252	R	5
325.51869	*	10	340.1755	*	18	338.3253	R	5
325.51873	*	10	340.1758	*	18	338.3254	R	5
325.51874	*	10	340.1781	*	18	338.3255	A	5
325.51879	*	10	340.1790	*	18	338.3256	A	5
325.51880	*	10	340.1796	*	18	338.3257	R	5
325.51881	*	10	340.1798	*	18	338.3258	R	5
325.51883	*	10	340.1799c	*	18	338.3259	R	5
325.51851a	A	10	340.1799g	*	18	338.3261	R	5
325.51878a	A	10	340.1802	*	18	338.3262	R	5
325.51885	R	10	340.1809	*	18	338.3263	R	5
325.51886	R	10	340.1811	*	18	338.3264	R	5
325.60151	*	6	340.1831	*	18	338.3265	R	5
325.60154	*	6	340.1839	*	18	338.3266	R	5
325.60155	*	6	340.1851	*	18	338.3267	R	5
325.60156	*	6	340.1862	*	18	338.3268	R	5
325.60157	*	6	338.7	*	6	338.3269	R	5
325.60158	*	6	338.108	R	6	338.3270	R	5
325.60159	*	6	338.3201	R	5	338.3281	R	5
325.60160	*	6	338.3202	R	5	338.3282	R	5
325.60161	*	6	338.3204	R	5	338.3283	R	5
325.60151a	A	6	338.3206	R	5	338.3284	R	5
336.1310	*	6	338.3208	R	5	338.3291	R	5
336.1330	R	6	338.3218	R	5	338.3292	R	5
340.1701	*	18	338.3219	R	5	338.3295	R	5
340.1701a	*	18	338.3220	R	5	338.3301	R	5
340.1702	*	18	338.3221	R	5	338.3302	R	5
340.1721	*	18	338.3231	R	5	338.3303	R	5
340.1721b	*	18	338.3232	R	5	338.3304	R	5
340.1721e	*	18	338.3233	R	5	338.3307	R	5
340.1722	*	18	338.3234	R	5	338.3311	R	5
340.1724f	*	18	338.3235	R	5	338.3312	R	5
340.1725f	*	18	338.3236	R	5	338.3313	R	5
340.1732	*	18	338.3238	R	5	338.3314	R	5
340.1734	*	18	338.3239	R	5	338.3317	R	5
340.1738	*	18	338.3241	R	5	338.3321	R	5
340.1748	*	18	338.3242	R	5	338.3324	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
338.3327	R	5	338.5139	A	12	400.5103	R	13
338.3331	R	5	338.5103	R	12	400.5103a	R	13
338.3332	R	5	338.5105	R	12	400.5104	R	13
338.3335	R	5	338.5114	R	12	400.5104a	R	13
338.3341	R	5	338.5120	R	12	400.5104b	R	13
338.3345	R	5	338.5145	R	12	400.5105	R	13
338.3451	R	5	338.5260	R	12	400.5106	R	13
338.3455	R	5	338.5270	R	12	400.5107	R	13
338.3456	R	5	338.5446	R	12	400.5108	R	13
338.3461	R	5	338.5480	R	12	400.5109	R	13
338.3463	R	5	338.23030	R	6	400.5109a	R	13
338.3464	R	5	339.22501	R	5	400.5110	R	13
338.3465	R	5	339.22503	R	5	400.5111	R	13
338.3466	R	5	339.22505	R	5	400.5111a	R	13
338.5101	*	12	339.22507	R	5	400.5111b	R	13
338.5102	*	12	339.22509	R	5	400.5113a	R	13
338.5104	*	12	339.22511	R	5	400.5113b	R	13
338.5110	*	12	339.22513	R	5	400.5113c	R	13
338.5110a	*	12	339.22515	R	5	400.5114	R	13
338.5111	*	12	339.22517	R	5	400.5115	R	13
338.5112	*	12	339.22519	R	5	400.5116	R	13
338.5115	*	12	339.22521	R	5	400.5117	R	13
338.5140	*	12	339.22523	R	5	400.5118	R	13
338.5210	*	12	339.22525	R	5	400.5201a	R	13
338.5217	*	12	339.22527	R	5	400.5201b	R	13
338.5218	*	12	339.22529	R	5	400.5202a	R	13
338.5230	*	12	339.23101	*	5	400.5204	R	13
338.5240	*	12	339.23102	*	5	400.5204a	R	13
338.5255	*	12	340.1121	*	6	400.5205	R	13
338.5401	*	12	340.1122	*	6	400.5205a	R	13
338.5405	*	12	340.1123	R	6	400.5205b	R	13
338.5435	*	12	340.1124	R	6	400.5206	R	13
338.5460	*	12	390.67100	R	9	400.5209	R	13
338.5465	*	12	400.400	R	6	400.5301	R	13
338.5475	*	12	400.410	R	6	400.5302	R	13
338.5501	*	12	400.411	R	6	400.5303	R	13
338.5503	*	12	400.5101	R	13	400.5303a	R	13
338.5116	A	12	400.5102	R	13	400.5305	R	13
338.5117	A	12	400.5102a	R	13	400.5306	R	13

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
400.5307	R	13	400.5903	R	13	400.8191	A	13
400.5501	R	13	400.5905	R	13	400.8301	A	13
400.5502	R	13	400.5910	R	13	400.8305	A	13
400.5502a	R	13	400.5915	R	13	400.8310	A	13
400.5502b	R	13	400.5920	R	13	400.8315	A	13
400.5502c	R	13	400.5925	R	13	400.8320	A	13
400.5601	R	13	400.5930	R	13	400.8325	A	13
400.5602	R	13	400.5935	R	13	400.8330	A	13
400.5603	R	13	400.5940	R	13	400.8335	A	13
400.5604	R	13	400.8101	A	13	400.8340	A	13
400.5604	R	13	400.8104	A	13	400.8345	A	13
400.5605	R	13	400.8107	A	13	400.8350	A	13
400.5606	R	13	400.8110	A	13	400.8355	A	13
400.5607	R	13	400.8113	A	13	400.8360	A	13
400.5610	R	13	400.8116	A	13	400.8365	A	13
400.5611	R	13	400.8119	A	13	400.8370	A	13
400.5613	R	13	400.8122	A	13	400.8375	A	13
400.5615	R	13	400.8125	A	13	400.8380	A	13
400.5801	R	13	400.8128	A	13	400.8385	A	13
400.5805	R	13	400.8131	A	13	400.8501	A	13
400.5810	R	13	400.8134	A	13	400.8505	A	13
400.5815	R	13	400.8137	A	13	400.8510	A	13
400.5820	R	13	400.8140	A	13	400.8515	A	13
400.5825	R	13	400.8143	A	13	400.8520	A	13
400.5835	R	13	400.8146	A	13	400.8525	A	13
400.5840	R	13	400.8149	A	13	400.8530	A	13
400.5841	R	13	400.8152	A	13	400.8535	A	13
400.5845	R	13	400.8155	A	13	400.8540	A	13
400.5850	R	13	400.8158	A	13	400.8545	A	13
400.5856	R	13	400.8161	A	13	400.8550	A	13
400.5865	R	13	400.8164	A	13	400.8555	A	13
400.5870	R	13	400.8167	A	13	400.8560	A	13
400.5900a	R	13	400.8170	A	13	400.8565	A	13
400.5901	R	13	400.8173	A	13	400.8701	A	13
400.5902	R	13	400.8176	A	13	400.8710	A	13
400.5902a	R	13	400.8179	A	13	400.8720	A	13
400.5902b	R	13	400.8182	A	13	400.8730	A	13
400.5902c	R	13	400.8185	A	13	400.8740	A	13
400.5902d	R	13	400.8188	A	13	400.8750	A	13

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
400.8760	A	13	408.11262	*	11	408.13847	*	7
400.8770	A	13	408.11275	*	11	408.13865	*	7
400.8801	A	13	408.11293	*	11	408.13871	*	7
400.8810	A	13	408.11294	*	11	408.13881	*	7
400.8820	A	13	408.11202	A	11	408.13802	A	7
400.8830	A	13	408.11432	*	6	408.14246	*	6
400.8840	A	13	408.11431	R	6	408.14263	*	6
408.43b	*	9	408.11434	R	6	408.14267	*	6
408.43i	*	9	408.11724	*	6	408.14269	*	6
408.48	*	5	408.11725	*	6	408.14273	*	6
408.59	*	5	408.11807	*	10	408.14231	R	6
408.10413	R	1	408.11844	*	10	408.14451	*	8
408.10421	*	1	408.11851	*	10	408.14476	*	8
408.10509	*	1	408.11859	*	10	408.14507	*	10
408.10541	*	1	408.11913	*	16	408.14521	*	10
408.10570	*	1	408.11921	*	16	408.14555	*	10
408.10579	*	1	408.11937	*	16	408.14535	R	10
408.10580	*	1	408.11957	*	16	408.15712	*	8
408.10582	*	1	408.11902	A	16	408.15713	*	8
408.10590	*	1	408.12011	*	18	408.15717	*	8
408.10761	R	1	408.12016	*	18	408.15721	*	8
408.10763	R	1	408.12021	*	18	408.15723	*	8
408.10765	*	1	408.12026	*	18	408.15725	*	8
408.10801	*	1	408.12043	*	18	408.15726	*	8
408.10807	*	1	408.12002	A	18	408.15739	*	8
408.10823	*	1	408.12111	*	10	408.15802	*	8
408.10914	*	1	408.12151	*	10	408.15810	*	8
408.10925	*	1	408.12155	*	10	408.15815	*	8
408.10999	*	1	408.12163	*	10	408.15821	*	8
408.11119	R	10	408.12216	*	7	408.15831	*	8
408.11121	R	10	408.12217	*	7	408.15833	*	8
408.11203	*	11	408.12218	*	7	408.15817	*	18
408.11211	*	11	408.12220	*	7	408.15825	*	18
408.11213	*	11	408.12242	*	7	408.15231	*	18
408.11221	*	11	408.12202	A	7	408.15233	*	18
408.11222	*	11	408.12231	R	7	408.15836	*	18
408.11224	*	11	408.13811	*	7	408.15839	*	18
408.11241	*	11	408.13812	*	7	408.15811	R	18
408.11243	*	11	408.13822	*	7	408.15812	R	18

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.16211	*	10	408.17451	*	8	408.30728	*	18
408.16222	*	10	408.17461	*	8	408.30741c	*	18
408.16227	*	10	408.17463	*	8	408.30749	*	18
408.16236	*	10	408.17421	*	11	408.30753a	*	18
408.16217	R	10	408.17461	*	11	408.30754a	*	18
408.16511	*	6	408.17501	*	18	408.30754b	*	18
408.16528	*	6	408.17502	A	18	408.30757	*	18
408.17125	R	6	408.19101	*	18	408.30758	*	18
408.17211	*	10	408.19102	*	18	408.30786	*	18
408.17212	*	10	408.19103	A	18	408.30791	*	18
408.17213	*	10	408.30001	*	6	408.30792	*	18
408.17222	*	10	408.30002	A	6	408.30763a	A	18
408.17225	*	10	408.30007	*	6	408.30757a	A	18
408.17236	*	10	408.30013	*	6	408.30801	*	10
408.17251	*	10	408.30016	*	6	408.30806	*	10
408.17227	R	10	408.30019	*	6	408.30808	*	10
408.17303	*	8	408.30022	*	6	408.30810	*	10
408.17310	*	8	408.30025	*	6	408.30811	*	10
408.17315	*	8	408.30028	*	6	408.30812	*	10
408.17318	*	8	408.30031	*	6	408.30815	*	10
408.17320	*	8	408.30034	*	6	408.30817	*	10
408.17403	*	8	408.30037	*	6	408.30818	*	10
408.17404	*	8	408.30040	*	6	408.30819	*	10
408.17405	*	8	408.30043	*	6	408.30822	*	10
408.17411	*	8	408.30046	*	6	408.30823	*	10
408.17412	*	8	408.30049	*	6	408.30826	*	10
408.17415	*	8	408.30052	*	6	408.30827	*	10
408.17421	*	8	408.30055	*	6	408.30835	*	10
408.17422	*	8	408.30701	*	18	408.30838	*	10
408.17423	*	8	408.30711	*	18	408.30865	*	10
408.17424	*	8	408.30715	*	18	408.30869	*	10
408.17426	*	8	408.30717	*	18	408.30870	*	10
408.17431	*	8	408.30719	*	18	408.30871	*	10
408.17432	*	8	408.30720	*	18	408.30873	*	10
408.17433	*	8	408.30721	*	18	408.30872	R	10
408.17434	*	8	408.30722	*	18	408.30880	R	10
408.17435	*	8	408.30723	*	18	408.30901a	*	10
408.17436	*	8	408.30724	*	18	408.30906a	*	10
408.17437	*	8	408.30725c	*	18	408.30910a	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.30912a	*	10	408.40634	*	6	408.41123	*	7
408.30915a	*	10	408.40635	*	6	408.41124	*	7
408.30918a	*	10	408.40627	R	6	408.41126	*	7
408.30923a	*	10	408.40632	R	6	408.41132	*	7
408.30927a	*	10	408.40641	R	6	408.41133	*	7
408.30928a	*	10	408.40709	*	6	408.41140	*	7
408.30935a	*	10	408.40711	*	6	408.41102	R	7
408.30945a	*	10	408.40712	*	6	408.41115	R	7
408.30946	*	10	408.40721	*	6	408.41125	R	7
408.30947	*	10	408.40722	*	6	408.41130	R	7
408.30948	*	10	408.40743	*	6	408.41131	R	7
408.30995a	*	10	408.40744	*	6	408.41210	*	7
408.30947a	A	10	408.40746	*	6	408.41211	*	7
408.30948a	A	10	408.40751	*	6	408.41215	*	7
408.30996	A	10	408.40761	*	6	408.41217	*	7
408.40102	*	6	408.40714	R	6	408.41221	*	7
408.40114	*	6	408.40729	R	6	408.41222	*	7
408.40116	*	6	408.40742	R	6	408.41224	*	7
408.40119	*	6	408.40810	*	7	408.41225	*	7
408.40121	*	6	408.40818	*	7	408.41226	*	7
408.40122	*	6	408.40819	*	7	408.41227	*	7
408.40127	*	6	408.40820	*	7	408.41231	*	7
408.40128	*	6	408.40821	*	7	408.41232	*	7
408.40130	*	6	408.40822	*	7	408.41233	*	7
408.40131	*	6	408.40831	*	7	408.41234	*	7
408.40132	*	6	408.40833	*	7	408.41235	*	7
408.40133	*	6	408.40834	*	7	408.41236	*	7
408.40134	*	6	408.40836	*	7	408.41237	*	7
408.40133	R	6	408.40837	*	7	408.41243	*	7
408.40125	R	6	408.40840	*	7	408.41245	*	7
408.40126	R	6	408.40841	*	7	408.41253	*	7
408.40617	*	6	408.40932	*	6	408.41254	*	7
408.40621	*	6	408.40933	*	6	408.41255	*	7
408.40622	*	6	408.40941	*	6	408.41256	*	7
408.40623	*	6	408.40851	*	6	408.41261	*	7
408.40624	*	6	408.40946	R	6	408.41264	*	7
408.40625	*	6	408.40952	R	6	408.41228	R	7
408.40626	*	6	408.41111	*	7	408.41244	R	7
408.40631	*	6	408.41122	*	7	408.41246	R	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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408.41262	R	7	408.41954	*	7	408.42502	*	1
408.41263	R	7	408.41957	*	7	408.42503	*	1
408.41410	*	8	408.41959	*	7	408.42518	*	1
408.41462	*	8	408.41964	*	7	408.42520	*	1
408.41464	*	8	408.41977	*	7	408.42521	*	1
408.41465	*	8	408.41980	*	7	408.42522	*	1
408.41466	*	8	408.41902	A	7	408.42524	*	1
408.41467	*	8	408.41931	R	7	408.42525	*	1
408.41472	*	8	408.41956	R	7	408.42526	*	1
408.41475	*	8	408.41970	R	7	408.42527	*	1
408.41476	*	8	408.41971	R	7	408.42528	*	1
408.41477	*	8	408.41974	R	7	408.42531	*	1
408.41478	*	8	408.41975	R	7	408.42532	*	1
408.41482	*	8	408.41979	R	7	408.42533	*	1
408.41075a	A	8	408.42031	*	6	408.42534	R	1
408.41077a	A	8	408.42034	*	6	408.42535	R	1
408.41468	R	8	408.42041	*	6	408.42602	*	1
408.41610	*	1	408.42043	*	6	408.42644	*	1
408.41627	*	1	408.42045	*	6	408.42732	*	7
408.41633	*	1	408.42046	*	6	408.42733	*	7
408.41658	*	1	408.42047	*	6	408.42741	*	7
408.41719	*	1	408.42131	R	1	408.42743	*	7
408.41725	*	1	408.42145	R	1	408.42755	*	7
408.41728	*	1	408.42149	*	1	408.42759	*	7
408.41802	*	7	408.42156	*	1	408.42799	*	7
408.41841	*	7	408.42157	*	1	408.42756	R	7
408.41852	*	7	408.42159	*	1	408.43101	R	7
408.41872	*	7	408.42160	R	1	408.43103	R	7
408.41884	*	7	408.42209	*	8	408.43104	R	7
408.41842	R	7	408.42213	*	8	408.43105	R	7
408.41850	R	7	408.42223	*	8	408.43106	R	7
408.41932	*	7	408.42225	*	8	408.43107	R	7
408.41934	*	7	408.42238	*	8	408.43109	R	7
408.41935	*	7	408.42402	*	1	408.43111	R	7
408.41943	*	7	408.42403	*	1	408.43112	R	7
408.41945	*	7	408.42404	*	1	408.43113	R	7
408.41949	*	7	408.42405	*	1	408.43114	R	7
408.41952	*	7	408.42406	*	1	408.43121	R	7
408.41953	*	7	408.42407	*	1	408.43122	R	7

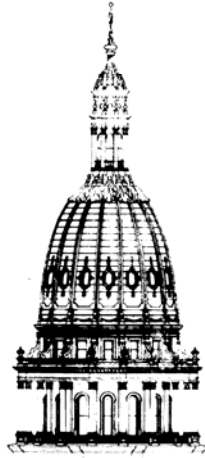
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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408.43123	R	7	484.74	*	6	554.701	*	9
408.43124	R	7	484.75	*	6	554.723	*	9
408.43125	R	7	484.81	*	8	554.731	*	9
408.43126	R	7	484.82	*	8	554.733	*	9
408.43127	R	7	484.83	*	8	554.734	*	9
408.43131	R	7	484.84	*	8	554.736	*	9
408.43132	R	7	484.85	*	8	554.737	*	9
408.43133	R	7	484.86	*	8	554.741	*	9
408.43134	R	7	484.87	*	8	554.742	*	9
408.43141	R	7	484.88	*	8	554.743	*	9
408.43142	R	7	484.89	*	8	554.744	*	9
408.43145	R	7	484.90	*	8	554.746	*	9
408.43146	R	7	490.113	R	11	554.721	R	9
408.43151	R	7	490.114	R	11	554.722	R	9
408.43152	R	7	490.117	R	11	554.747	R	9
408.43153	R	7	490.118	R	11	554.750	A	9
408.43154	R	7	491.101	R	3	554.751	A	9
408.43155	R	7	491.110	R	3	792.10201	A	6
408.43156	R	7	491.115	R	3	792.10203	A	6
408.43157	R	7	491.120	R	3	792.10205	A	6
408.43158	R	7	491.125	R	3	792.10207	A	6
408.43161	R	7	491.130	R	3	792.10209	A	6
408.43162	R	7	491.135	R	3	792.10211	A	6
408.43204a	*	8	491.140	R	3	792.10213	A	6
408.43207	*	8	491.145	R	3	792.10215	A	6
408.43212	*	8	491.150	R	3	792.10217	A	6
408.43205	*	18	491.155	R	3	792.10219	A	6
408.43206	*	18	491.160	R	3	792.10221	A	6
408.43208	*	18	491.165	R	3	792.10223	A	6
408.43212	*	18	491.170	R	3	792.10225	A	6
408.43214	*	18	491.175	R	3	792.10227	A	6
408.43216	*	18	491.180	R	3	792.10229	A	6
408.43203	R	18	491.185	R	3	792.10231	A	6
432.2	*	10	491.190	R	3	792.10233	A	6
432.6	*	10	491.195	R	3	792.10237	A	6
436.1335	R	5	491.197	R	3	792.10239	A	6
484.71	*	6	550.402	A	6	792.10241	A	6
484.72	*	6	550.403	A	6	792.10243	A	6
484.73	*	6	550.404	A	6	792.10245	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

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792.10247	A	6
792.10249	A	6
792.10251	A	6
792.10253	A	6
792.10255	A	6
792.10257	A	6
792.10259	A	6
792.10261	A	6
792.10263	A	6
792.10265	A	6
792.10267	A	6
792.10269	A	6
792.10271	A	6
792.10273	A	6
792.10275	A	6
792.10277	A	6
792.10279	A	6
792.10281	A	6
792.10283	A	6
792.10285	A	6
792.10287	A	6
792.10289	A	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2013 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2013 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

October 10, 2013
Through PA 130 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	Sales tax ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	Criminal procedure ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	Weapons ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	Insurance ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	Insurance ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	Animals ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

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- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	Appropriations; supplemental ; various state departments and agencies; provide appropriations. (<i>Sen. D. Booher</i>)
10		0252	Yes	3/27	3/27	3/27/13	Watercraft; marinas ; marina dredging loan origination program; establish. (<i>Sen. J. Brandenburg</i>)
11	4398		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. (<i>Rep. A. Price</i>)
12	4399		Yes	3/27	3/27	3/27/13	Natural resources; Great Lakes ; expedited conditional permit process; allow for emergencies. (<i>Rep. A. Pscholka</i>)
13	4400		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from inland lakes and streams determined to be largely sand; revise fee. (<i>Rep. P. Pettalia</i>)
14		019	Yes	4/16	4/16	4/16/13	Financial institutions; mortgage brokers and lenders ; appointments to the mortgage industry advisory board; modify. (<i>Sen. D. Booher</i>)
15		065	Yes	4/16	4/16	4/16/13	Individual income tax; collections ; withholding requirement for certain members of a flow-through entity; clarify. (<i>Sen. J. Brandenburg</i>)
16	4052		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; motor vehicle sales finance act; expand to include certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
17	4053		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; application of retail installment sales act; exclude certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
18	4045		Yes	4/23	4/23	4/23/13	Occupations; electricians ; eligible apprenticeship training programs; revise requirements for fire alarm specialty technicians. (<i>Rep. H. Crawford</i>)

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2013 Michigan Public Acts Table

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	HB	SB					
19	4123		Yes	4/23	4/23	7/1/13	Torts; liability; personal injury or property damage caused by propane gas equipment or appliances; provide protection from liability. (Rep. R. Victory)
20		0108	Yes	5/7	5/7	5/7/13	Highways; name; portion of I-94 in Kalamazoo county; designate as the "Officer Eric Zapata Memorial Highway". (Sen. T. Schuitmaker)
21		0288	Yes	5/8	5/8	5/8/13	Natural resources; hunting; natural resources commission ability to designate species as game; provide for. (Sen. T. Casperson)
22		0289	Yes	5/8	5/8	5/8/13	Natural resources; hunting; right to hunt and fish; provide for. (Sen. T. Casperson)
23	4093		Yes	5/9	5/9	5/9/13 #	Crimes; intoxication or impairment; alcohol content for individuals operating a vehicle under the influence of alcoholic liquor; maintain at 0.08 without reversion to 0.10. (Rep. A. LaFontaine)
24	4131		Yes	5/9	5/9	5/9/13 #	Criminal procedure; sentencing guidelines; alcohol content for individuals operating a motor vehicle under the influence of alcoholic liquor in the code of criminal procedure; maintain at 0.08 without reversion to 0.10. (Rep. K. Kesto)
25		0218	Yes	5/9	5/10	8/9/13	Economic development; tax increment financing; sunset on water resource improvement tax increment finance authority; remove, and allow dredging. (Sen. G. Hansen)
26		0123	Yes	5/9	5/10	5/10/13	State financing and management; funds; funding for purchase of land and development of certain convention facilities; provide for. (Sen. D. Hildenbrand)
27	4037		No	5/14	5/14	5/1/14	Traffic control; driver license; designation of veteran status on driver license; provide for, and allow secretary of state to report certain veteran information to certain other departments and agencies. (Rep. N. Jenkins)
28		0219	No	5/14	5/14	5/1/14	State; identification cards; veteran designation on state identification cards; allow. (Sen. D. Booher)

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	HB	SB					
29	4471		Yes	5/16	5/16	5/16/13	Education; calendar ; exception to minimum days of pupil instruction requirement for inclement weather days; allow for 2012-2013 if minimum hours requirement is met. (Rep. P. Potvin)
30		0178	No	5/14	5/16	**	Insurance; health ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require insurers and prescribers to use after a specific date. (Sen. T. Schuitmaker)
31		0179	No	5/14	5/16	** #	Insurance; health care corporations ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require corporations and prescribers to use after a specific date. (Sen. T. Schuitmaker)
32	4054		Yes	5/14	5/16	5/16/13	Family law; other ; definition of eligible domestic relations order; modify. (Rep. K. Heise)
33		043	Yes	5/20	5/20	5/20/13	Courts; judges ; certain district court judgeships; increase, and reduce number of circuit court judgeships. (Sen. R. Jones)
34	4264		Yes	5/21	5/21	5/21/13	Criminal procedure; sentencing ; consecutive sentencing for financial exploitation of vulnerable adult; allow under certain circumstances. (Rep. T. Leonard)
35		097	Yes	5/21	5/21	8/20/13	Traffic control; civil infraction procedures ; waiver of fine for violating certain infant seat requirements; allow. (Sen. J. Proos)
36	4254		Yes	5/21	5/21	5/21/13	Vehicles; registration ; electric carriage; exempt from definition of motor vehicle and define "use a hand-held mobile telephone". (Rep. J. Walsh)
37		016	Yes	5/28	5/28	5/28/13	Natural resources; wildlife ; wildlife violator compact law; modify enforcement provisions. (Sen. H. Walker)
38	4050		Yes	6/4	6/4	6/4/13	Children; protection ; children's ombudsman to investigate victims of child abuse or neglect; expand criteria to include children who have died as a result of child abuse or neglect. (Rep. K. Kurtz)

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	HB	SB					
39	4177		Yes	6/4	6/4	6/4/13	Crimes; homicide ; reference to vulnerable adult abuse in first degree murder statute; revise. (Rep. J. Ananich)
40	4705		Yes	6/4	6/4	6/4/13	Property tax; state education tax ; reimbursement of certain levied millage revenues; allow. (Rep. E. McBroom)
41	4042		Yes	6/5	6/5	6/5/13	Human services; food assistance ; criteria for the issuance of Michigan bridge cards; modify. (Rep. T. Kelly)
42		051	Yes	6/6	6/6	6/6/13	Property tax; classification ; qualified forest property tax program; modify. (Sen. D. Booher)
43		054	Yes	6/5	6/6	6/6/13	Property tax; classification ; allocation of qualified forest property recapture tax; modify. (Sen. T. Casperson)
44		055	Yes	6/5	6/6	6/6/13	Property tax; exemptions ; definition of qualified agricultural property; revise. (Sen. M. Green)
45		056	Yes	6/5	6/6	6/6/13	Natural resources; forests ; private forest management; provide oversight from the department of agriculture and rural development and provide for conservation district assistance to owners of forestland. (Sen. D. Booher)
46		057	Yes	6/5	6/6	6/6/13	Agriculture; other ; Michigan agriculture environmental assurance program; expand to include lands not utilized for traditional or production agriculture such as forest management. (Sen. A. Meekhof)
47		058	Yes	6/5	6/6	6/6/13	Natural resources; forests ; promotion of forestry and the development of the forest products industry in the state; provide for. (Sen. J. Moolenaar)
48	4069		Yes	6/5	6/6	6/6/13	Natural resources; forests ; classification of forestland as commercial forest; clarify requirements for inclusion and withdrawal of forestland. (Rep. F. Foster)

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	HB	SB					
49	4243		Yes	6/5	6/6	6/6/13	Property tax; other; qualified forest property recapture tax; revise. (Rep. E. McBroom)
50	4244		Yes	6/5	6/6	6/6/13	Property tax; classification; qualified forest property; revise exemption. (Rep. B. Rendon)
51	4171		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; elimination of local boards of canvassers and amendment of process to balance precinct results; provide for, and clarify allocation of costs to conduct village elections. (Rep. B. Jacobsen)
52	4169		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in general law village act to board of village canvassers and board of township canvassers; revise to board of county canvassers. (Rep. D. Pagel)
53	4170		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in community college act of 1966 to board of city or township canvassers; eliminate. (Rep. K. Cotter)
54	4127		Yes	6/11	6/11	6/11/13	Criminal procedure; probation; GPS bail monitoring of certain offenders; allow. (Rep. J. Johnson)
55	4360		Yes	6/11	6/11	9/10/13	Liquor; licenses; penalties for certain unauthorized transactions for food assistance or family independence program benefits; provide for. (Rep. G. Haines)
56	4361		Yes	6/11	6/11	9/10/13	Gaming; lottery; lottery sales agent; provide for penalties for fraudulent activity related to food assistance benefits. (Rep. R. Victory)
57		0165	Yes	6/11	6/11	9/10/13	Health facilities; hospitals; policy regarding life-sustaining or nonbeneficial treatment; require policy be disclosed in writing upon request and provide to parent or guardian if it applies to a minor or ward. (Sen. J. Marleau)
58		0335	Yes	6/11	6/11	6/11/13	Insurance; health; health insurance claims assessment; extend the sunset. (Sen. R. Kahn)

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2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
59	4328		Yes	6/13	6/13	6/13/13 +	Appropriations; other; omnibus budget bill for fiscal year 2013-2014; provide for. (Rep. J. Haveman)
60	4228		Yes	6/13	6/13	6/13/13	Appropriations; school aid; fiscal year 2013-2014 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Rep. B. Rogers)
61	4458		Yes	6/16	6/18	6/18/13	Economic development; tax increment financing; capture of increased tax revenue levied under certain tax millages; prohibit. (Rep. E. Kowall)
62	4461		Yes	6/16	6/18	6/18/13	Economic development; local development financing authority; capture of increased tax revenue levied under certain millages; prohibit. (Rep. H. Haugh)
63	4463		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Walsh)
64	4464		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. G. Haines)
65	4743		Yes	6/19	6/19	6/19/13	Fireworks; use; local control of consumer fireworks use; expand, and amend certain licensing requirements. (Rep. H. Haugh)
66	4459		Yes	6/19	6/19	6/19/13	Economic development; downtown development authorities; capture of increased tax revenue levied for certain millages; prohibit. (Rep. J. Townsend)
67	4460		Yes	6/19	6/19	6/19/13	Economic development; brownfield redevelopment authority; capture of increased tax revenue levied under certain millages; prohibit. (Rep. P. Cavanagh)
68	4462		Yes	6/19	6/19	6/19/13	Economic development; corridor improvement; capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Farrington)

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	HB	SB					
69	4591		Yes	6/25	6/25	6/25/13	Occupations; alarm systems; installation of certain home monitoring systems without electrician's permit; authorize for registered or licensed security alarm providers. (Rep. A. Nesbitt)
70	4737		Yes	6/25	6/25	6/25/13	Construction; permits; installation, maintenance, replacement, or servicing of a home monitoring system; exempt from construction code permit requirements. (Rep. A. Nesbitt)
71	4592		Yes	6/25	6/25	6/25/13	Occupations; mechanical contractors; installation of certain home thermostats under Forbes mechanical contractors act; authorize for security alarm system providers. (Rep. B. Jacobsen)
72	4665		Yes	6/25	6/25	6/25/13	Environmental protection; solid waste; solid waste surcharge program; extend sunset. (Rep. E. Kowall)
73	4666		Yes	6/25	6/25	10/1/13	Environmental protection; hazardous waste; sunset for certain user charges; extend, and consolidate funds. (Rep. E. Kowall)
74	4708		Yes	6/25	6/25	10/1/13	Environmental protection; hazardous waste; hazardous materials transportation permit fund; replace with environmental pollution prevention fund. (Rep. E. Kowall)
75	4669		Yes	6/25	6/25	6/25/13	Vehicles; off-road; license fee for off-road vehicles; revise. (Rep. J. Bumstead)
76		0256	Yes	6/25	6/25	6/25/13	Economic development; other; Michigan supply chain management development commission revisions; provide for. (Sen. M. Kowall)
77	4303		Yes	6/27	6/27	9/26/13	Occupations; mortuary science; courtesy licenses for licensees from certain other states; authorize for certain purposes. (Rep. K. Kurtz)
78	4329		Yes	6/27	6/27	9/26/13 #	Occupations; licensing fees; fees for courtesy mortuary science licenses; establish. (Rep. K. Kurtz)

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	HB	SB					
79	4330		Yes	6/27	6/27	9/26/13 #	Occupations; mortuary science; authorization of death record by funeral director who holds a courtesy license; allow. (Rep. K. Kurtz)
80	4574		Yes	6/27	6/27	9/26/13	Occupations; mortuary science; assignment or assumption of prepaid funeral contracts by purchaser of a licensed funeral establishment; require. (Rep. K. Kurtz)
81	4297		No	6/27	6/28	5/1/14 #	Recreation; state parks; waiver of recreation passport fees; allow for holders of multiyear vehicle registrations except when registration fee is paid. (Rep. F. Foster)
82	4439		No	6/27	6/28	5/1/14 #	Vehicles; registration; recreational passport fee; eliminate from registration forms for certain military specialty plates. (Rep. F. Foster)
83	4080		Yes	6/27	6/28	6/28/13	Property; conveyances; surplus department of corrections property in Kinross township and Camp Manistique in Schoolcraft county; provide for conveyance. (Rep. F. Foster)
84	4307		Yes	6/27	6/28	6/28/13	Elections; special elections; requirement for a special election when a vacancy occurs in the office of county commissioner during an odd numbered year; eliminate unless the vacancy is not filled by appointment. (Rep. L. Lyons)
85	4540		Yes	6/27	6/28	6/28/13	Economic development; plant rehabilitation; taxation of certain industrial facilities exemption certificates; clarify. (Rep. J. Stamas)
86	4663		Yes	6/27	6/28	6/28/13	Water; conservation; agricultural land uses; modify water withdrawal dispute resolution process and allowable expenditures from the agricultural preservation fund. (Rep. K. Daley)
87		0264	Yes	6/27	6/28	6/28/13	Natural resources; other; issuance of permits for dredging; modify procedure. (Sen. T. Casperson)
88	4082		Yes	6/28	6/28	6/28/13 #	Individual income tax; other; Michigan Alzheimer's association fund act; create. (Rep. M. Lori)

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	HB	SB					
89	4084		Yes	6/28	6/28	6/28/13	Individual income tax; other; ALS of Michigan ("Lou Gehrig's disease") fund act; create. (Rep. J. Farrington)
90		0150	Yes	6/28	6/28	6/28/13 #	Individual income tax; checkoff; contribution to Michigan Alzheimer's association fund; provide for check-off option. (Sen. J. Pappageorge)
91		0341	Yes	6/28	6/28	6/28/13 #	Individual income tax; other; Michigan Amber alert fund; create. (Sen. D. Hildenbrand)
92		0342	Yes	6/28	6/28	6/28/13	Individual income tax; checkoff; contributions to Michigan Amber alert fund; provide check-off option. (Sen. D. Hildenbrand)
93	4529		Yes	7/1	7/1	7/1/13	Criminal procedure; defenses; statewide standards and accountability measures of trial-level indigent criminal defense services; implement, and create the Michigan indigent defense commission act. (Rep. T. McMillin)
94		0301	Yes	7/1	7/1	7/1/13 #	Criminal procedure; other; appointment of counsel to indigent person charged with felony; modify. (Sen. B. Caswell)
95		0284	Yes	7/1	7/1	7/1/13	Public utilities; other; creation and funding of the low-income energy assistance fund; provide for. (Sen. M. Nofs)
96	4813		Yes	7/2	7/2	7/2/13 #	Education; reorganization; criteria and procedures for dissolution of a school district; revise. (Rep. B. Rogers)
97	4815		Yes	7/2	7/2	10/1/13 #	School aid; other; implementation of district dissolution; provide for in school aid act, and adjust appropriations for districts affected by dissolution. (Rep. B. Rogers)
98		0163	Yes	7/2	7/2	7/2/13	Natural resources; wetlands; permit exemptions for wetlands and inland lakes and streams; revise, modify certain permit fees, provide for certain general permits, and require more information from department justifying denial of any part 13 permits. (Sen. M. Green)

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	HB	SB					
99		0175	Yes	7/2	7/2	7/2/13	Military affairs ; generally, Michigan military act; modify. (<i>Sen. J. Pappageorge</i>)
100		079	Yes	7/2	7/2	8/31/13	Liquor ; licenses; farmer's market permit to sell and taste wine at farmer's market; provide for. (<i>Sen. G. Hansen</i>)
101		027	Yes	7/2	7/2	7/2/13 #	Liquor ; licenses; ability to refill growlers of beer and to sample and sell wine at farmer's market; provide for certain licensees. (<i>Sen. D. Hildenbrand</i>)
102	4112		Yes	7/3	7/3	7/3/13	Appropriations ; zero budget; supplemental appropriations; provide for fiscal years 2012-2013 and 2013-2014. (<i>Rep. J. Haveman</i>)
103		0380	Yes	7/3	7/3	7/3/13 #	Civil procedure ; foreclosure; mortgage modification program; revise. (<i>Sen. R. Richardville</i>)
104		0383	Yes	7/3	7/3	1/10/14 #	Civil procedure ; foreclosure; redemption period; terminate redemption rights if property is damaged. (<i>Sen. D. Booher</i>)
105	4765		Yes	7/3	7/3	7/3/13 #	Civil procedure ; foreclosure; mortgage modification program; extend sunset and phase out. (<i>Rep. J. Farrington</i>)
106	4766		Yes	7/3	7/3	7/3/13 #	Civil procedure ; foreclosure; mortgage modification; require certain mortgage servicing agents to personally meet with mortgagors. (<i>Rep. M. Callton</i>)
107	4714		No	9/16	9/16	**	Human services ; medical services; medicaid eligibility expansion; provide for, and sunset under certain conditions. (<i>Rep. M. Lori</i>)
108	4668		Yes	9/17	9/17	9/17/13	Natural resources ; hunting; base license; create, and modify hunting and fishing licenses and fees. (<i>Rep. J. Bumstead</i>)

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	HB	SB					
109	4670		Yes	9/24	9/24	9/24/13	State financing and management; funds; disaster and emergency contingency fund; establish. (Rep. M. McCready)
110		0330	Yes	9/24	9/24	9/24/13	State financing and management; funds; disaster and emergency contingency fund; establish. (Sen. T. Casperson)
111	4094		Yes	9/24	9/24	9/24/13	Natural resources; hunting; punishment for lawfully hunting, taking game, or possessing game that was lawfully taken in another state; prohibit. (Rep. J. Johnson)
112	4664		Yes	9/24	9/24	9/24/13	Retirement; state employees; retired corrections officers to work as needed; extend sunset. (Rep. G. MacMaster)
113	4671		Yes	9/24	9/24	9/24/13	Communications; emergency 9-1-1; distribution of service charge fees for 9-1-1; revise. (Rep. E. Poleski)
114	4132		Yes	9/24	9/24	9/24/13	Natural resources; soil and erosion; membership on a conservation district board; allow temporary appointments to fill vacancies under certain circumstances. (Rep. P. Pettalia)
115	4541		Yes	9/24	9/24	9/24/13	Economic development; obsolete property and rehabilitation; application approval for previous tax year; allow under certain circumstances. (Rep. T. Kelly)
116		0347	Yes	9/24	9/24	9/24/13	Housing; housing development authority; surplus funds; authorize investment in multifamily housing projects or to make loans for such projects. (Sen. M. Jansen)
117	4284		Yes	9/25	9/25	9/25/13	Highways; local; off-road vehicle shoulder access on state trunk line highways; allow under certain circumstances. (Rep. J. Johnson)
118	4299		Yes	9/25	9/25	9/25/13	Natural resources; other; counties eligible to authorize off-road vehicles on road shoulders; extend to entire state and eliminate sunset. (Rep. J. Bumstead)

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	HB	SB					
119		050	Yes	9/25	9/25	9/25/13	Natural resources; other; operation of off-road vehicles on certain state highways; provide for. (Sen. T. Casperson)
120		0237	Yes	10/1	10/1	10/1/13 #	Health; immunizations; grade requirement for certain immunization records; modify in public health code. (Sen. J. Marleau)
121		0238	Yes	10/1	10/1	10/1/13 #	Education; attendance; grade requirement for certain immunization records; modify in school code. (Sen. R. Warren)
122		0239	Yes	10/1	10/1	10/1/13 #	Education; attendance; grade requirement for certain immunization records; modify in school aid act. (Sen. J. Emmons)
123		0357	Yes	10/1	10/1	10/1/13	Businesses; business corporations; shareholder vote requirement for certain business combinations; revise. (Sen. J. Pappageorge)
124	4525		Yes	10/1	10/1	10/1/13	Criminal procedure; sentencing guidelines; sentencing guidelines for certain crimes; modify crime class, correct crime descriptions, and provide sentencing guidelines for certain crimes. (Rep. J. Graves)
125	4732		Yes	10/1	10/1	10/1/13	Construction; code; plumbing fixture and electrical power requirements; exempt agricultural roadside sale stands. (Rep. G. MacMaster)
126		0257	Yes	10/8	10/9	10/9/13	Economic development; other; business improvement districts; modify. (Sen. M. Kowall)
127	4613		Yes	10/8	10/9	10/9/13	Housing; landlord and tenants; requirement for lawful reentry by landlord; modify in case of death of tenant. (Rep. M. O'Brien)
128		0162	Yes	10/8	10/9	10/9/13	Courts; jurisdiction; jurisdiction for prosecution of felony offenses; expand to include county where consequence intended to have effect. (Sen. M. Nofs)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
129		0126	Yes	10/8	10/9	10/9/13	Appropriations ; zero budget; supplemental appropriations; provide for fiscal year 2012-2013. (<i>Sen. R. Kahn</i>)
130	4229		Yes	10/8	10/9	10/9/13	Appropriations ; school aid; technical revisions to school aid budget; provide for fiscal year 2013-2014. (<i>Rep. J. Haveman</i>)
Veto	4085		Yes	No	6/28	6/28/13	Individual income tax ; checkoff; funding for ALS of Michigan ("Lou Gehrig's disease") fund; create. (<i>Rep. T. Cochran</i>)

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